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THE

REVOLUTIONARY DIPLOMATIC CORRESPONDENCE

OF THE

UNITED STATES.

EDITED UNDER DIRECTION OF CONGRESS

By FRANCIS WHARTON,

WITH

PRELIMINARY INDEX, AND NOTES HISTORICAL AND LEGAL.

PUBLISHED IN CONFORMITY WITH ACT OF CONGRESS
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PREFACE.

The joint resolution approved on August 13, 1888, under which the following work is printed is as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be printed, under the editorial charge of Francis Wharton, the usual number of copies of a supplement to the Digest of International Law, printed under joint resolution of July twenty-eighth, eighteen hundred and eighty-six, and under the same conditions and limitations as are imposed in said resolution, such supplement containing the diplomatic correspondence of the American Revolution, with historical and legal notes; and that there be printed, in addition to said usual number, two thousand copies for the use of the Senate, four thousand copies for the use of the House of Representatives, and one thousand copies for the use of the Department of State."

In the report submitted to the Senate on February 6, 1888, by the Committee on Printing, on which the above resolution in its original form was based, occur these passages:

"A knowledge of the revolutionary diplomatic correspondence of the United States is essential to the understanding—

"(1) Of our revolutionary history.

"(2) Of the treaties executed during and at the close of the Revolution, which form in a large measure the basis of our international law.

"This correspondence is to be found in part in published memoirs, in part in family archives, in part in the records of the Department of State.

"A portion of the latter records was published by Mr. Sparks, under resolution of Congress of March 27, 1818; but in this publication Mr. Sparks omitted letters and portions of letters tending to show—

"(1) The movement of French politicians in 1776 to supersede Washington by Marshal Broglie.

"(2) The movement by American politicians in 1776-'77 to induce Washington's withdrawal and to have Franklin recalled from Paris.

"(3) The atrocities of British troops and of refugees in the United States put forward by our diplomatists as a claim against Great Britain and a set-off against British claims for indemnity to loyalists.

"Aside from these systematic omissions, important passages were dropped, showing the extent to which the fisheries, prior to the Revolution, were controlled by American fishermen; and, what is still more important, how general was the understanding between the negotiators that the treaty of 1782-'83 was a treaty not of concession by Great Britain, but of partition, under which the United States retained all the territorial rights previously possessed by them in North America when part of the British empire.

"Mr. Sparks, in eliminating from the correspondence the passages showing the intrigues against Washington, was no doubt governed by his veneration for Washing-

ton. But reports of these intrigues came afterwards to the public ear from other sources. While, as thus imperfectly presented, they failed to exhibit (what the full correspondence shows) that unique majesty of Washington, which compelled those who intrigued against him, when they came into his presence and saw him in the solitude of his grandeur, if not to become, as was the case with De Kalb, loyal adherents, at least to sullenly acquiesce in a supremacy they were forced to concede.

"Mr. Sparks' excision of other material, so important to us both in applying history and construing treaties, may be attributed to what we now must consider his wrong conception of the duties of a reproducer of public documents. Now we feel that in printing such documents we must give them entire, or, if we omit, to note the omissions. Mr. Sparks, on the other hand, omitted whatever he thought it was unnecessary or impolitic to print; and he left no sign whatever to show that any omission was made. Hence, by leaving out a salient point, the meaning of the document is entirely changed; as, for instance, in Silas Deane's letter of December 6, 1776, a statement that De Kalb goes to America in connection with a suggestion that Broglie be commander-in-chief is turned into a mere letter of introduction by cutting out all that relates to the character of De Kalb's mission.

"No doubt supposed want of interest was the ground of many of Mr. Sparks' omissions. But the unreliability of such a test is illustrated by the fact that, among the passages thus dropped by him, those relating to the fisheries and to the partition feature in the treaty of peace have become of all others the most important in our pending controversies with Great Britain.

"But Mr. Sparks did not confine himself to omissions. He changed words throughout the correspondence so as, in innumerable cases, to alter the style; in others, to alter the sense. Of these changes the following are a few illustrations:

"Galleons which have been impatiently expected." (Franklin.)	"Galliots which have been patiently expected." (Sparks, ii, 43.)
"Negotiations relative to the preliminaries." (Franklin.)	"Negotiations relative to the plenipotentiaries." (Sparks, ii, 171.)
"Some how or other." (Livingston.)	"By any means." (Sparks, ii, 181.)
"Wish to know." (Livingston.)	"Like to know." (Sparks, ii, 184.)
"Appropriation of each State." (Livingston.)	"Proportion of each State." (Sparks, ii, 188.)
"Arguments taken from treaties." (Livingston.)	"Agreements taken from treaties." (Sparks, ii, 196.)
"Lengthy." (Livingston.)	"Long." (Sparks, ii, 208.)
"He (Arnold) seems to mix as naturally with that polluted court (England) as pitch with tar." (Franklin.)	Left out by Sparks, ii, 226.
"George III's character for falsehood and dissimulation." (Franklin.)	Left out by Sparks, ii, 271.
"Balance of the soldiers in our hands." (Livingston.)	"Remainder of the soldiers in our hands." (Sparks, ii, 387.)
"Any civilized people." (Franklin, when speaking of England's spoliations as unworthy of, etc.)	"Any individual people." (Sparks, ii, 394.)
"While in the minority." (Franklin.)	"While in the ministry." Sparks, ii, 400.)
"Evacuate their posts." (Livingston.)	"Evacuate their ports." (Sparks, ii, 441.)
"I think the best answer will be the boy's reply to Pope's *God mend me.*"	Omitted by Sparks, ii, 426.
"Necessity of which" measures of Congress. (Adams.)	"Sincerity of which." (Sparks, ii, 576.)

"Submission to Parliament." (Adams.)	"Subjugation to Parliament." (Sparks, ii, 581.)
"Whether any (loan) may be procured time must discover. *I confess I have no very sanguine hopes.*" (Adams.)	Passage in italics omitted by Sparks, ii, 582.
"This connection (between Holland and United States) will not probably show itself *in a public manner* before a peace," etc. (Adams.)	Words in italics omitted by Sparks, ii, 592.
"All the maritime commerce of lower Germany." (Adams.)	Word "maritime" left out by Sparks, ii, 597.
"Four hundred leagues" journey, etc., our health was "several times much affected." (Adams.)	"Five hundred leagues" journey, etc., our health was "several times affected." (Sparks, ii, 627.)
"I have now very sanguine hopes that a solid treaty will soon be concluded with Spain." (Adams.)	"I have now very solid hopes that a treaty will soon be concluded with Spain." (Sparks, ii, 628.)
Congress "should have the earliest information of these things." (Adams.)	Congress "should have the exactest information of these things." (Sparks, ii, 630.)
"Treachery and falsehood." (La Fayette, speaking of certain British statements.)	"Misrepresentations." (Sparks, ii, 632.) (In this letter of a page Sparks has made eleven other changes.)
"Lords Camden, Effingham," etc., "are clearly and decidedly for it (independence). The rest of the patriots are for *independence on certain provisoes, such as England to retain a nominal sovereignty.*" (Adams.)	"Lords Camden, Effingham," etc., "are clearly and distinctly for it," etc.; "the rest of the patriots are for sovereignty." (Sparks, ii, 662, omitting passage in italics.)
"They have not more than four thousand regular troops in Ireland, and these chiefly horse; *nor more than ten thousand in England, and these chiefly horse.*" (Adams.)	Passage in italics omitted by Sparks, ii, 662.
In the ship of war Auvergne, "Colonel Commandant the Viscount de Laval, *and in second the Count de Lameth.*" (Adams.)	"Colonel commandant the Viscount de Lavel. Words in italics left out. (Sparks, ii, 666.)
"A *most important* declaration;" "one would think it impossible that one man of sense in the world could seriously believe that we could thus basely violate our *faith*, thus unreasonably quarrel with our best friends (France), and madly attach ourselves to our *bitterest* enemies." (Adams.)	Sparks changes (ii, 672–3) "most important" to "decided," "faith" to "truth," and "bitterest" to "belligerent."
"Her (England's) present exhausted and *ruined* condition." (Adams.)	Words in italics left out by Sparks, ii, 673.
"He (Rodney) had to expect to meet the whole Spanish squadron at Cadiz, *and in those seas, and he had reason to expect that a strong squadron from Brest* would follow him."	Passage in italics omitted. (Sparks, ii, 675.)

The Dutch "may overleap the bounds of these privileges *as to be undutchified.*" (Adams.)	Words in italics omitted. (Sparks, ii, 701.)
"In so immense an army (the Irish volunteers of 1780), composed of so many parties which one would suppose discordant." (Adams.)	"In so innocent an army, composed of so many discordant parties." (Sparks, iii, 14.)
"There is not enough of religion of any kind among the people in power in England to make the Americans very fond of them." (Adams.)	"There is not enough religion of any kind among the great in England to make the Americans very fond of them. (Sparks, iii, 74.)
"Ambition and avarice at last predominated over every passion of his heart and principle of his mind." (Adams.)	"Ambition and avarice at last predominated over every principle of his mind." (Sparks, iii, 145.)
"Without a superiority of naval force, New York will never be taken." (Adams.)	"Without a superiority of naval force, clear and indisputable, New York will never be taken." (Sparks, iii, 179.) (In this letter, which is one of great historical importance, Mr. Sparks has made more than fifty changes.)
"Garrisons of all their posts. * * * They have in Halifax and the other posts of the province," etc. (Adams.)	"Garrisons of all their ports. * * * They have in Halifax and the other ports of the province," etc. (Sparks, iii, 181.)
"It is reported that they denied." (Adams.)	"They denied." (Sparks, iii, 214.)
"A force of sixty thousand men." (Adams.)	"A force of forty thousand men." (Sparks, iii, 215.)
"The combined powers" (France and the United States). (Adams.)	"The combined forces." (Sparks, iii, 219.)
"The same reasons determined me to communicate nothing to the regency," etc. (Adams.)	"I then inquired whether it would be proper to communicate anything to the regency, etc., and I was advised against it," etc. (Sparks, iii, 240.) (In this and the next letter more than thirty alterations are made by Sparks.)
"*I wish I could give hopes of speedy success in this business* (loan in Holland), but I fear," etc.	Words in italics left out by Sparks, iii, 262.
"He (Mr. Laurens) is ill of a lax, much emaciated, and very much invective," etc.	"He is sick with a cholera, much emaciated, and very much incensed," etc. (Sparks, iii, 264.)
"Experience demonstrates at this day *in Europe* what dependence is to be placed upon such militia."	Italics left out, and also a page describing the atrocities of a British invasion of Holland, with over thirty other alterations made in the same letter. (Sparks, iii, 289.)
"Posture of defense." "A manner the most affectionate." (Adams.)	"State of defense." "A manner the most friendly." (Sparks, iii, 305.)

"This commerce alone would be sufficient to make the *city of Antwerp flourish, and to make* a revival of the bright days which preceded the peace of Munster." (Adams.)	Words in italics left out. (Sparks, iii, 389.)
"Canals bordering upon the said port * * * * * * merchants, factors, and commissioners who will all serve faithfully and with the greatest punctuality." (Adams.)	"Lands bordering on the said port * * * merchants, factors, and commissioners who will all serve punctually." (Sparks, iii, 409.)
"To seize every American vessel whose papers and * * * destination shall," etc. (Adams.)	"Destination" changed to "distinction." (Sparks, iii, 435.)
"I need not suggest to you the use that should be made of this information. *You will see at once that it is not to be buried or paraded; that it should be discovered but not displayed.*" (R. R. Livingston.)	Passage in italics left out. (Sparks, iii, 522.)
After noticing the charge that certain letters of his had given offense to France: "*I have long since learned that a man may give great offense and yet succeed. The very measure necessary for success may be pretended to give offense.*" (Adams.)	Passage in italics left out, and in the same letter twenty or more other changes. (Sparks, iii, 551.)
"Some mad plan of American viceroys," etc. (Adams.)	"Some bad plan," etc. (Sparks, iii, 559.)
"Nothing but *that well hove harpoon iron thrown by a Cape Cod whaleman,* the memorial of the 19th of April," "could ever have prevented this republic from making a separate peace," etc. (Adams.)	Passage in italics omitted by Sparks, iii, 638.
"The court probably knew that we are instructed against it, *and that Congress are instructed against* it." (Adams.)	Passage in italics omitted by Sparks, iii, 688.
"The compliments that have been paid me since my arrival in France, upon my success in Holland, would be considered as a curiosity if committed to writing." (A series of them follows.) (Adams.)	Omitted by Sparks, iii, 697, but given in John Adams' Works, iv, 306.

"As a rule also all words that seemed to the editor to be coarse or undignified are changed.

"Thus, to 'digest' topics appears in print as 'consider' topics.

"Mr. Laurens, in the manuscript, has the 'lax.' In the print this is 'cholera.'

"Mr. Livingston, in a letter to La Fayette, speaking of the new uniforms, says: 'You will be charmed to see our countrymen well dressed, since you used to admire them even in their naked beauties.' 'Naked beauties' is changed to 'rags,' while an allusion to La Fayette's wife expecting the birth of a child is left out, and so is a reference by Arthur Lee, in a confidential letter, to a Spanish diplomatist as an 'old

woman.' Style sometimes may be substance. At all events, when changes are made, they should be noted. But in the multitude of changes made by Mr. Sparks, amounting sometimes to a dozen on a page, there is not one case in which there is anything to indicate that the change was made." *

In the following pages the text of our diplomatic correspondence, so far as it is contained in the Department of State, is given in its integrity. Free use has also been made of the following:

The Washington, Franklin, and Madison papers, deposited in the Department of State or published by editors thereof.

The Franklin correspondence, in the custody of the American Philosophical Society at Philadelphia.

The papers of Samuel Adams and of other revolutionary statesmen, in the possession of Mr. Bancroft.

The papers of John Paul Jones, in the library of Congress.

The papers of Arthur Lee, of which part is in the custody of Harvard College; part in that of the American Philosophical Society, part in that of the University of Virginia.

The papers of John Langdon, copies of which are in the Sparks Collection in the library of Harvard College.

The published papers of John Adams.

The papers of John Jay, as far as contained in his life, by his son, together with letters of Jay which have elsewhere appeared.

Gibbes' Documentary History of the American Revolution.

The Force Collection, in the Department of State.

Papers relative to our diplomacy intercepted by the British during the war, and by them published (sometimes, however, in a corrupted state) in English papers or in Rivington's New York Gazette. Of our revolutionary transatlantic correspondence one-third never reached its destination, being intercepted and placed in the British archives. It is hoped that efforts will be made to procure copies of these papers to fill up the gaps in our own records.

The Laurens Papers, as published by the South Carolina Historical Society and by the Bradford Club.

Materials for History, by Frank Moore.

Diary of the American Revolution, by Frank Moore.

Revolutionary documents in the possession of Ferdinand J. Dreer, esq., of Philadelphia.

Revolutionary documents published in the New England Historical and Genealogical Register, in the Magazine of American History, in the Pennsylvania Magazine of History and Biography, and by the historical societies of the several States.

* In reprinting the above several errors of the press have been corrected. Among the mistranslations is that of the famous letter of the Pope's Nuncio on July 23, 1783, to Franklin, in which a courteous inquiry whether Congress (in view, probably, of prior anti-papacy colonial legislation) would object to the settlement of a friendly Roman Catholic bishop in the United States, is changed into a request that Congress would elect and appoint such a bishop. (Sparks, ii, 478.)

Documents published in Circourt's translation of Mr. Bancroft's History, by Mr. Bancroft in his own works, and by De Witt in his work on Jefferson.

Doniol's Histoire de la Participation de la France a l'Établissement d'Amérique, Correspondance Diplomatique, et Documents, of which the third volume appeared in December, 1888.

Transcripts from the Lansdowne manuscripts and from the archives of foreign courts, in the possession of Mr. Bancroft, at Washington, and in the Sparks Collection in the library of Harvard College. For the use I have been permitted to make of these valuable collections I desire to make particular acknowledgment. Mr Bancroft has in the kindest way given me the aid not only of his excellent library, but of his own authoritative and admirable judgment on matters connected with our history.

To Mr. Winsor, librarian of Harvard College, to the professors of the University of Virginia, and to the officers of the Historical Society and of the American Philosophical Society at Philadelphia, I desire to make my particular acknowledgments for their courtesy in permitting me to examine the historical manuscripts in their custody. I have also derived much valuable assistance from Mr. Charles Deane, of Cambridge, through whom I have been able to obtain information as to papers in the archives of the Massachusetts Historical Society.

Mr. Sparks, however much we may dissent from his views as to the right of an editor to change the words of his text and to strike from it what he conceives should not be published, deserves a high tribute for the generous zeal with which he collected and preserved masses of important manuscripts relative to our history, and for the judiciousness, fairness and patriotic spirit by which the opinions expressed by him are marked. And it is but just to say that the suppression of a large part of the passages omitted by him, comprising those relating to the barbarisms of the revolutionary war, and those bearing on then pending issues, may have been directed by the President, under stress of the resolution of March 27, 1818, so as to avoid touching wounds still sore, or embarrassing negotiations then in progress. Personal considerations, also, may have induced the omission of passages reflecting on eminent men, who in 1816 were still alive or were but recently deceased. Those reasons no longer exist. It is due not only to historic truth, but to the full vindication of those great men by whom our Revolution was led, that their diplomatic correspondence should now be given as written by themselves. F. W.

FEBRUARY, 1889.

GUERNSEY MEMORIAL LIBRARY
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A BRIEF SKETCH OF THE LIFE OF FRANCIS WHARTON.

BY

JOHN BASSETT MOORE.

The illustrious editor of the work now given to the public was denied the privilege of seeing more than a fragment of it in print. He died at the moment when he had finished its preparation for the press, and before the proofs of the first volume, as it now stands, had been completed; and it fell to others to supervise the work of publication. This duty was imposed by resolution of Congress upon the present writer, as literary executor of the deceased editor, and has been discharged strictly within the scope of the authority conferred by the resolution. With the exception of clerical corrections in the citation of authorities and in the noting of references, no departures have been made from the editor's manuscript, and it may be said that the work appears as he left it.

As the editor, up to the very hour of his death, was busily engaged upon this his last great task, as if he were trying securely to adjust the capstone upon the monument of legal and historical works which his genius and industry had created, it is appropriate that a place should be given here to a brief account of his life and labors.

Francis Wharton was born in the city of Philadelphia, in the State of Pennsylvania, on the 7th of March, 1820. On his paternal side, he came of a race of men which has given many eminent names to the commerce, the politics, and the bar of his native State. In the early days of the commonwealth his family belonged to the Society of Friends. But his father, Thomas Isaac Wharton, whose mother was Margaret Rawle, the bearer of a patronymic distinguished in the legal annals of the country, left that religious sect early in life to become a captain of infantry in the war of 1812. At the close of the conflict he entered upon the practice of law in Philadelphia, and soon afterwards married Arabella, second daughter of John Griffith, a merchant of that city, son of the Attorney-General of New Jersey of the same name, and brother of William Griffith, a judge of the circuit court of the United States, and author of several legal treatises.* This lady is said to have been distinguished for great loveliness of character, a fine poetic fancy, and a rare power of felicitous expression.

As a lawyer, Thomas Isaac Wharton was remarkably successful, but he also exhibited strong literary instincts. In his earlier days he con-

* Memoir of Dr. Francis Wharton: Philadelphia, 1891.

tributed to the "Portfolio" under Dennie's management, and was subsequently one of the editors of the "Analectic Magazine." Later, when he had devoted himself more strictly to legal studies, he, in connection with others, was employed upon the preparation of a draft of a code of the civil statutes of Pennsylvania. He was also the editor of the first edition of Wharton's (Penna.) Digest, and of the six volumes of Wharton's Reports.

At the age of seventeen Francis Wharton was entered as a student at Yale College. In 1839 he was graduated; and he then returned to Philadelphia, and became a student of law in his father's office. In 1843 he was admitted to the bar. While a student of law he wrote constantly for the periodicals of the day, and contributed many articles to "Hunt's Merchants' Magazine." This literary habit clung to him after he had entered upon the practice of his profession, though his success at the bar was rapid. He edited for a time the "North American and United States Gazette," and subsequently, while still engaged in the practice of the law, the "Episcopal Recorder." He also participated in political affairs as a strenuous supporter of the Democratic party, and when John K. Kane was Attorney-General of Pennsylvania was one of his assistants. It was in this position that he was first led to write on the criminal law and to the composition of practical legal treatises.

In 1854 there came a turning point in his career. Two years previously he had married Miss Sydney Paul, daughter of Comegys Paul, of Philadelphia, and her death in September, 1854, resulting in the breaking up of his home, seems to have quickened and confirmed the inclination he had long exhibited for charitable and religious occupations. It is said that while a student of law he desired to become a clergyman, but was dissuaded by his father. But twelve years after his admission to the bar he finally abandoned the active duties of a legal practitioner, and became a teacher chiefly on theological topics. In 1856 he made a tour through the West, distributing Bibles and tracts, and during this journey visited Kenyon College (connected with which is a theological seminary), at Gambier, Ohio. Here he was induced to accept a professorship, and while he lectured on English history and literature and on constitutional law, he entered deeply into the religious life of the place and delivered discourses on theological subjects. A part of these may be found in a book entitled "Modern Theism," which contains a series of lectures delivered by him to the students on "Modern Infidelity."

In 1859 Dr. Wharton paid his first visit to Europe, and after his return was married, on December 27, 1860, to the daughter of Lewis R. Ashurst, of Philadelphia. In 1862 he fulfilled his long-cherished desire to enter the ministry of the Episcopal Church. He was ordained a deacon at Cleveland, Ohio, and a month later received priest's orders. The first parish to which he was called was that of St. Paul's, at Brookline, Mass., whither he went in 1863. After six years of successful

labor in this place he went to Europe for a second time, and while there completed his work on the "Conflict of Laws," which bore evidence of a reviving interest in purely legal studies, which he had never entirely abandoned. From this period on he devoted more and more of his time to the composition of works on legal topics.

On his return from Europe Dr. Wharton, finding that an old affection of the throat incapacitated him from preaching, resigned his parish and accepted a professorship in the Seminary of the Episcopal Church at Cambridge, where he lectured, among other things, on Ecclesiastical Polity and Canon Law. At the same time he delivered lectures at the Boston University on the Conflict of Laws. While thus busily engaged as a teacher he produced in rapid succession works on Negligence, Agency, and Evidence. But the stress of his many occupations and the sedentary mode of life which they necessitated were too wearing, and the physical weakness, especially in the throat and heart, which they engendered, compelled him in 1881 to give up lecturing and go again to Europe. He remained abroad till the spring of 1883, when he returned to the United States and established his home in his native city of Philadelphia, intending to devote himself for the future to his legal publications. This plan, however, was soon altogether changed.

Early in the year 1885 Dr. Wharton was invited to take the post of Examiner of Claims, or Solicitor, for the Department of State, at Washington. After due reflection he accepted the position, and late in March entered upon the performance of its duties.

It would be difficult to conceive of greater fitness of person for place than that of Dr. Wharton for the office to which he was called. Although he left the bar for the church early in life, the impress of his legal training remained and his predilection for the law never forsook him. Whatever might be the subject that occupied his attention, it was to its legal aspects that he was especially attracted. His mind was singularly versatile, and his sympathies were broad and easily touched. He possessed, besides, a strong vein of sentiment, which not infrequently had a controlling effect upon his conduct. He was fond of poetry, and sought diversion and recreation in works of fiction. Endowed with such generous tastes and faculties, technical disputations were little to his liking. The narrow view of a question never appealed to him. It was in the discussion and application of broad and general principles that he found his greatest delight, and it was in the natural development of this liberal disposition that the lawyer became the eminent and accomplished student of jurisprudence.

In addition to his knowledge of law, Dr. Wharton possessed an extensive acquaintance with history. He was accustomed to say that Englishmen knew less than Americans of English history, and if he was to be taken as an example of his countrymen his observation was certainly correct. His knowledge of the history of England was singularly thorough and minute. It was not confined to the leading inci-

dents which are stated in the formal histories, but extended to the lives, the letters, and the minor accounts of men and women. With the exception of the history of the United States, he knew more thoroughly that of England than of any other country; but he was also a diligent student of history, both ancient and modern, in the most general sense. What he read he was enabled to retain by the possession of an unusual memory. He made few notes and kept no common place books, and did not burden his mind with useless dates and facts. His memory was philosophical rather than circumstantial. If questioned in respect to a particular circumstance, he often expressed an inability to answer. But, if called upon to consider a particular subject, he was able, with a rapidity and completeness seldom witnessed, to draw from the stores of his memory a copious supply of historical illustrations and analogies.

The labors of Dr. Wharton in history and jurisprudence and his fondness for the discussion of general principles led him to the study of international law, and prepared the way for his eminence as a publicist. His first important achievement in this field is found in his treatise on the "Conflict of Laws," or "Private International Law," which includes a comparative view of Anglo-American, Roman, German, and French jurisprudence. Concerning this work, an intelligent and discriminating critic in the "Southern Law Review" expressed the opinion that upon it would rest its author's lasting and solid fame. There is reason to believe that Dr. Wharton shared this opinion, for he took an evident pride in the book, and often referred to the criticism in the "Southern Law Review" as one of the most appreciative and satisfactory ever written upon any of his works. In 1885 appeared his "Commentaries on Law," which embrace chapters on international law, both public and private.

Such was the preparation of Dr. Wharton for the discharge of his new duties. Learned both in history and in jurisprudence, and with a wide and established reputation as a publicist, he was able to speak as one having authority. He was not compelled to search for principles and precedents; he had already reduced them to possession, and it was only necessary for him to apply them. The value of such a preparation can be estimated only when we consider the distinctive character of international law as a branch of jurisprudence. The average practitioner, trained in the strict school of the common law and accustomed to the technical disputations of the ordinary judicial courts, finds himself, when called upon to deal with matters involving international law, confronted with a new type of questions, in the solution of which his previous education affords him little assistance. In reality one of his first tasks will be to rid his mind, so far as he may be able, of its prepossession for technical reasoning. The books which he has been accustomed to consult, with a view to obtain a "case in point," can no longer be accepted as guides. Even if he should find in the courts of his own country a decision upon the question which he has under con-

sideration, he would then be required to ascertain whether that decision had been accepted as being in accordance with the principles of international law; for in such matters one nation is not bound to accept as conclusive the decisions of the courts of another. He would then find it necessary to embark upon the study of history and the works of publicists, and to apply with such guides the principles of reason and justice. Although in this department of learning the United States can claim such distinguished names as those of Wheaton, Story, Kent, Lawrence, Field, and Wharton, the study of international law has for the most part been neglected in this country. When the subject is taught in the schools, the course of instruction is usually confined to a few lectures of a more or less perfunctory character, and perhaps to a few lessons from text-books which deal with the most elementary doctrines. No attempt is made to trace the history of the subject, and the remarkable contribution of the Government of the United States to its progressive development is almost wholly overlooked. A gentleman not long since in the diplomatic service of the United States recently told the writer that one of the most distinguished publicists of Europe declared to him that he found more to interest and instruct him in the annual volume of the Foreign Relations of the United States than in any other current publication on international subjects. This, he said, was due to the freedom and originality with which questions were treated; a circumstance in large measure attributable to the unique position of the United States in the family of nations.

Dr. Wharton entered upon the discharge of his duties in the Department of State with all his accustomed energy and enthusiasm, and for a time found ample occupation in the daily work of his office. Coming into the place soon after a change of administration, he was required to give opinions upon a large number of complaints which had in the interval been submitted to the Department with a view to their diplomatic presentation to foreign governments. This influx of claims attends every change of administration without reference to its political character. The principle of *res judicata*, though not infrequently invoked, is not applied with the same strictness in the executive departments as in the courts; and each suitor whose claim may have been the subject of an adverse decision finds room to hope that in the change of the head of the department his complaint may receive favorable consideration. In the first year of his official life Dr. Wharton gave formal written opinions upon 221 claims involving various questions of law. But his labors were not in the mean time restricted to the examination of claims. Questions of international policy were also the subject of his consideration. In the spring of 1885 the Colombian Government, with a view to suppress an insurrection which had arisen in that country, issued two decrees of great importance to foreign nations. By the first of these decrees, certain ports then in the possession of the insurgents were declared to be closed to foreign commerce; and the

penalties and forfeitures affixed by Colombian law to smuggling were denounced against the goods which might be imported into or exported from those ports, and against the vessels which might engage in trade with them. By the second decree it was declared that the vessels which, under the flag of Colombia, were then employed by the insurgents in hostile foreign commerce with that port did not belong to the Colombian Government, and had no right to fly the Colombian flag; and for these reasons they were declared to be beyond the pale of international law, and their repression by the armed forces of friendly powers was invited. These decrees raised two questions, on which Dr. Wharton always held and expressed very decided views—the rights of neutrals and the international status of insurgents. The United States refused to treat the decrees as sustainable on principles of international law. The right of a government to close, by a decree, ports not in its possession, not actually blockaded, was denied. At the same time the Colombian minister was informed that the United States would not treat the vessels of the insurgents as pirates. It is not improper to say that Dr. Wharton materially contributed, by his learning and skill, to the argument made by the United States on that occasion.

Before the close of his first year in the Department of State Dr. Wharton began the compilation of a digest of the opinions and decisions of executive and judicial officers of the United States on questions of international law, with legal and historical notes. The work being too large and scarcely popular enough in character to be undertaken by a private publisher, its printing was provided for by a resolution of Congress. An intelligent critic has recently observed that if Dr. Wharton had done nothing else during his industrious life for the science of jurisprudence, the "International Law Digest" would, quite apart from his labors in the field of criminal law and of the conflict of laws, be his enduring monument. Such defects as the work possesses are inherent in its character. It was drawn not only from published documents, but also from the unpublished records of the Department of State, beginning at the origin of the Government. In dealing with the latter it was necessary, owing to the number of subjects treated and the voluminous character of the discussions, to omit a great deal, and to select such parts as were deemed illustrative of the doctrines most consistently maintained. Such a process of selection necessarily reflects in some degree an editor's personal bias. But the "International Law Digest" remains a monument to its compiler's learning and industry, and is full of interest and instruction. The first edition was soon distributed, and in 1887, by direction of Congress, a second edition was printed.

After the publication of this work Dr. Wharton undertook the labor of editing the "Diplomatic Correspondence of the American Revolution." Provision for printing was again made by Congress, and he worked at his new task incessantly up to the date of his death. Only

a few days before that event he received and corrected some proofs of the first volume.

This brief outline of the life of Dr. Wharton during the period of less than four years which he spent in the Department of State presents a record of unusual character. The activity of his mind was incessant, and he wrote with rapidity; but, with all his learning and all his facility, it would have been impossible to accomplish in the short space of four years the immense and varied tasks he undertook, if, in addition to his other qualities, he had not possessed that of untiring industry. "Dogged industry" was the term which he liked to apply to his habit of labor. His capacity for work seemed to be almost unlimited, and he was never idle. He rose early in the morning, usually about 6 o'clock, and immediately resumed his tasks. His labors the days could not be said to divide; for he gave few hours to sleep, seldom more than five, and often less, and the first hours of the morning generally found him still at work. Sometimes he went out early to walk, in order to refresh himself for the day's labor; and this was about the only physical exercise he took. He usually reached his office before 9 o'clock, and then worked through the day without intermission. He not only worked constantly, but also eagerly, in order to accomplish as soon as possible the task he had set. He possessed in the highest degree vivacity of intellect. This quality imparted to the severest labor keen and apparent pleasure, and contributed to sustain his exertions. He was also able to perceive at a glance any pertinency in what he read to the subject under consideration. In this way he was able to read with great rapidity. He possessed little fondness for books for their own sake. They were merely his instruments. He valued them solely for what he could obtain from them, and, after extracting what suited his purpose, put them aside. He was not what we style a book lover. Hence, as he lived for the most part in close proximity to large public libraries, he collected few books, and his private library, which was comparatively small, was not selected with reference to his work. His quickness of perception and his ability to appreciate at its relative value whatever came under his notice enabled him to employ with unusual ease the labors of others. Moreover, he understood so thoroughly and so comprehensively the subjects on which he wrote, that, in directing and utilizing the labors of others, he was able to give to each thing its proper place and its appropriate effect. Thus he was not compelled to complete one branch of an argument before he proceeded to another. Keeping the whole in his mind, he was able to pass from one part to another, and, where vacant places were left, to fill them up as his collection of materials was completed.

Dr. Wharton's capacity for productive labor can not be more forcibly shown than by an enumeration of his principal works. His first reputation as a legal author was made by his writings on criminal law. His works on this subject are four in number, and comprise treatises on "Criminal Law," "Criminal Pleading and Practice," and "Criminal

Evidence," and two volumes of "Precedents of Indictments and Pleas." The treatise on "Criminal Law" embraces two volumes, and is now in its ninth edition; that on "Criminal Pleading and Practice," in one volume, has passed through an equal number of editions; that on "Criminal Evidence" is in two volumes, and is also in its ninth edition. The "Precedents of Indictments and Pleas," in two volumes, has reached a fourth edition. In conjunction with Dr. Stillé he wrote a work on "Medical Jurisprudence," which is also in its fourth edition. He next wrote a commentary on "Agency and Agents," in one volume; then a treatise on the "Law of Negligence," which is also in one volume, and has reached a second edition. Following these came his work on the "Conflict of Laws," also in its second edition; a commentary on the "Law of Evidence," in two volumes, now in its third edition; a work on "Contracts," in two volumes; and "Commentaries on Law," in one volume. Besides these practical treatises, he published a volume of "State Trials," a work full of historical interest, with notes written in a peculiarly charming style, which appeared in 1849, when the author was twenty-nine years of age. The "International Law Digest," to which reference has already been made, comprises three volumes, and the "Diplomatic Correspondence of the Revolution," now appears in six volumes. In order to appreciate the extraordinary facility with which this large number of voluminous works was prepared, it must be remembered that for some years his labors as a writer of treatises on law were suspended, and that all through his life he was a constant contributor to periodicals.

An attempt having been made to describe and explain in a general way the extent of Dr. Warton's achievements as a publicist, it will be interesting to consider more in detail the qualities of his mind, his habits of thought, and the distinguishing traits of his character. Such a combination of faculties as he possessed is seldom witnessed, and it was only after seeing him at his daily tasks that one could appreciate the richness and variety of his mental endowments. Reference has already been made to the quickness and breadth of his comprehension, to his capacity for labor, and to the exceptional character of his memory. It is only by this combination of faculties that we can account for the extent of his acquisitions. No industry, however constant, could have enabled him to accomplish so much if he had not possessed extraordinary mental powers. His works show the extent of his erudition. It was in his treatise on the Conflict of Laws, or Private International Law, that he attempted to cover the widest field of legal investigation. If his acquirements had been wanting either in amplitude or in thoroughness, the defect would then have been revealed. But none of his works was ever received with more instant recognition or with higher approval, not only by the public, but also by scholars and jurists. It did more than any other of his publications to extend his reputation abroad, and no doubt materially contributed to form that high estimate of his learning and abilities which induced the Uni-

versity of Edinburgh to confer upon him the degree of Doctor of Laws, and the Institute of International Law to enroll him as one of its members. For when those honors were conferred upon him the "International Law Digest" had not been written.

Dr. Wharton also possessed powers of imagination of a high order. It is this that distinguishes the narrow logician from the creative thinker. Voltaire said of Dr. Clark that he was a mere reasoning machine. This could never have been said of Dr. Wharton. He did not, indeed, possess that highest type of imagination which has enabled a few men in different ages to create distinctive systems of thought, and to connect their names with new social, political, or legal theories. He made no professsion of originality in this rare sense. He was always ready to avow his obligations to others, and was wont to disclaim any originality of thought. He declared himself to be especially indebted to German writers, whose language he understood and whose works he carefully studied. But he was never the victim of logic. He sought to discover and apply principles, and not merely to find reasons to justify other men's conclusions. He studied and comprehended questions in their wider relations, and not singly and apart. He was especially quick to perceive analogies and reasoned much in that way. This imparted to his discussion of various topics unusual breadth and suggestiveness and exceptional harmoniousness of view.

With his great fondness for history, and his extensive learning, it is not strange that Dr. Wharton should have dealt much in precedents, but he was never the slave of authority. *Stare decisis* was not a rule whose limitative force he felt himself bound to acknowledge. "So it hath been decided" was not enough to silence his objections. That he diligently searched the books for opinions and precedents in order to ascertain what had been determined the wealth of his citations amply shows. He always knew the latest cases. But he never held himself to be precluded from criticising and disapproving what he cited, no matter how high the tribunal from which the expressions came.

Though Dr. Wharton often dissented from the authorities he cited, his opposition was never factious, nor the result of a fondness for disputation. Controversies of a personal character he sedulously avoided, esteeming it a sign of weakness rather than of strength to seek to win a cause by abuse of an adversary. Where he found himself in opposition to the courts, it was because their actions did not square with what he believed to be the reason, the justice, and the philosophy of the matter. When of this conviction, he did not hesitate to dissent and protest. The amplitude of his comprehension enabled him to work out a system of principles in law, politics, and theology with singular clearness and consistency. To those principles he was devotedly attached; and he was always ready to maintain them. The basal principle of his system was that of liberty, and it gave color and direction to all his thoughts.

There was nothing that appealed to him so strongly as the efforts of men and of nations to work out the problem of self-government. He never could forget that it was by the exercise of the right of revolution that the people of the United States attained their independence and assumed a place among the nations of the earth. The annals of our early history, the struggles, the vicissitudes, and the triumphs of the makers of the Republic were always the subjects of his especial study and admiration, and to the exposition of the events of that period, and of the causes and course of the conflict, he devoted the last hours of his life. It is often mentioned as the reproach of scholars and men of letters that in the contemplation of abstract themes they lose sight of and cease to appreciate the generous motives which operate upon the conduct of peoples in their struggles for freedom. In the critical study of the acts and character of individuals they become oblivious of their sacrifices and patriotic exertions. It was not so with Dr. Wharton. He had no sympathy with that spirit of detraction which seeks to belittle the beginnings of American history. He was intensely patriotic and intensely American. It was his especial delight to dwell upon the simple life and the simple manners of our Revolutionary period. He was beyond that narrow conception which confounds simplicity with barbarism. It is the tendency of society in every age to consider itself as the best exponent of civilization, and to regard its forms and ceremonies as the embodiment and the test of progress and refinement. This delusion Dr. Wharton did not share. He was sensitive to the conventionalities of life, but he was able to look beneath its shows and ostentation, and estimate its purpose and value. He felt contempt for ignorance and detested bad manners, and neither pretense nor display could conceal them from him or shield them from the shafts of his ridicule. On the other hand, he thought that simplicity of life imparted dignity to character and enhanced the effect of greatness.

It has already been observed that the fundamental principle of Dr. Wharton's system of thought was liberty. He advocated this principle as the beneficent source of all true progress. He believed in free thought, free government, and free seas. His views on all these subjects are fully expounded in his "Commentaries on Law." In law, as governing individual action, he belonged to what he terms the progressive division of the historical school, "holding that the law of a nation is the product of its conscience and need at each particular era." He was equally opposed to the analytical school, of which Bentham and Austin are the chief exponents, which looks to the final settlement of law by a code founded upon the doctrines of utility, and to the theocratic school, which claims for its rules *jure divino* sanction. In opposition to these schools he accepted the arguments of Hooker in his great work on "Ecclesiastical Polity." This work, as Dr. Wharton observed, is unfortunately chiefly known by a single passage containing a sonorous eulogium on law. Almost the only point on which he agreed with

Austin was in thinking that this passage is somewhat rhetorical. Dr. Wharton was accustomed to say that it was the least valuable sentence in the wonderful production in which it is found. According to Hooker, divine law, when applied to men in their mutable relations, and not definitive of dogmatic theology, is also mutable. Much more so, then, must this be true of human law, which is necessarily formulated for the government of men under particular conditions. Referring in his "Commentaries on Law" to Hooker's argument against the theocratic views of the extreme Puritans, Dr. Wharton says: "Two points were taken in the reply of this illustrious thinker, points equally fatal to any system of absolute law: (*a*) Reason and revelation, he maintained, including in revelation whatever law claims *jure divino* sanction, have coördinate authority; reason has to verify the credentials of revelation, then to define its meaning, then to determine its applicability. (*b*) Whatever concerns man in his mutable relations must of itself be mutable; the boat tosses with the wave on which it reposes, the plaster takes the mold of the face on which it is impressed." These views, which are practicable only when reason is left free, Dr. Wharton fully adopted.

But in order that men may be able to work out their destiny in accordance with the dictates of reason there must be free government. On this ground Dr. Wharton advocated the widest liberty of individual action compatible with social order. Law must, he held, in order to be effective, be the emanation of the conscience and needs of the people; but he also maintained that it should impose as little restraint as possible upon the freedom of action of the individual. He was a disciple of Jefferson, and fully accepted the doctrine of *laissez faire*. He rejected the notion that a majority of the people, because they possess the power to rule, have also the right to mold the opinions, and form and regulate the lives of the rest of the community.

In international law Dr. Wharton was a strenuous advocate of liberal principles, and in his exposition of the policy of the United States he laid especial stress upon the importance of preserving the rights of neutrals. Whenever he found a decision either of the executive or of the judiciary which seemed to him to be unduly restrictive of those rights he never failed to combat it. There was one case in particular, arising out of the civil war in the United States, whose authority he never neglected an opportunity to controvert. This was the case of the *Springbok*, in which the Supreme Court of the United States condemned a cargo bound for a neutral (British) port on the ground that it was intended to be transshipped at that port and forwarded on another vessel to a port then under blockade. His most thorough and exhaustive discussion of this case is found in the "International Law Digest." The decision of the Supreme Court not having been accepted by the British Government as being in conformity with the principles of international law, it was brought for examination before the British-Ameri-

can Claims Commission, organized under the treaty of Washington. That tribunal affirmed the correctness of the Supreme Court's decision, notwithstanding the able and convincing arguments against it. Among these Dr. Wharton was wont to refer with especial admiration to that submitted to the Commission by his lifelong friend Mr. Evarts, an argument full of learning and logic, and well worthy the study of anyone who desires to comprehend the principles involved.

It is not a little remarkable that the last published expression of Dr. Wharton's views on law and government should have contained a protest against the doctrine laid down by the Supreme Court and accepted by the Commission in the case of the *Springbok*. In December, 1888, the editor of "The Independent" addressed a letter to a number of eminent men, requesting suggestions as to what changes were needed in the Constitution of the United States in order to bring it "into closer sympathy with the present status of political thought." Dr. Wharton was one of the persons thus addressed, and his reply was published, under the title of "Patches on the Constitution," only a little more than a month before his death. It contains the most comprehensive expression to be found in so small a compass of his opinions on law, politics, and government, and is in every respect so characteristic, both in substance and in style, that with the consent of the editor of "The Independent" it is republished as an appendix to this sketch.

It is proper that something should be said in regard to Dr. Wharton's style. In a review of his "Commentary on the Law of Contracts" a writer in the English "Law Times" said:

> In certain aspects this is a peculiar law book. It is written with more attention to reasonable elegance of style than legal writers usually practise. * * * Full of learning and research, it is not wearisome to read. Matter is never made the slave of form; but, at the same time, the author avoids those awkward and by no means perspicuous attempts at expression, such as "and which," or "that that," which disfigure our text-books and judgments. Lastly, in incidental sentences it will be found that, in estimating the value of principles, the author employs a native originality guided rather than expelled by the process of legal training.

It is a distinctive feature of Dr. Wharton's books that, in addition to their convenience and authority as works of reference, they possess a peculiar literary charm. This is due in large measure to the freshness of his thought and the force and vivacity of his forms of expression. His tendency was to be diffuse rather than concise. He wrote with such facility, and could so easily command words in which to convey his thoughts, that he was little given to condensation; but with all the learning which his works display he never gives the reader the impression that his erudition was a burden to him. He read understandingly, and wrote with a view to elucidate the propositions which he wished to establish. He never consciously or unconsciously sought to impress his views by the employment of that vague and nebulous style of argument by which the reader is sometimes led to mistake mysterious and intangible generalizations for profundity of thought. If he ever

indulged in speculations which could not be reduced to a definite statement, he never attempted to utter them. He often referred in a humorous strain to the mystical productions of writers whose ideas, he said, seemed to have been absorbed by an "inverted perspiration." Dr. Wharton always endeavored to be perspicuous. Occasionally his sentences are somewhat involved and complex in construction, but they are never obscure. They give the impression of having been thrown out fresh from the writer's mind in the vividness and energy of rapid composition. He was much given to the employment of a colloquial or dramatic form of expression, in which the argument is put into the mouth of a person who is supposed to be speaking in an inartificial and familiar way upon the proposition under discussion. Another and constant quality of Dr. Wharton's style is the subdivision of his argument into separate parts, each one of which is pursued and exhausted by itself. The reasons advanced in each part are generally stated in the same distinctive and orderly way. This method he always employed in his books, and the habit clung to him even in his briefer discussions and in his purely historical writings. This analytical method of statement imparted clearness as well as a certain didactic quality to his style. It was by the employment of a multitude of reasons, rather than by the selection and repetition of a single and overwhelming argument, that he sought to establish his proposition. It was the quick succession of blows, rather than the single ponderous shock, that overcame the antagonist.

It is often the fate of writers who contribute in no small degree to mold opinion to be little known except in their books. The life of an industrious writer of treatises on law is necessarily spent more or less in seclusion. He must have time not only for thought, but also for research. Unlike the author of descriptions of life and manners, who acquires his knowledge by contact with men, the writer on law must glean the books for his materials. His writings have little circulation among the mass of the people, and his labors do not reach the popular imagination; hence his personality is generally little inquired about and little known. Dr. Wharton, in large measure, escaped this fate. He was fond of social intercourse. He especially delighted in the society of young men, whose hopeful views and unchilled enthusiasm found a ready response in his own ardent and progressive temper. In mind and in thought he never grew old. In his studies and in his writings he possessed all the energy and vivacity of youth. These traits he carried with him into social life. Wherever a few persons were gathered together for social diversion, and Dr. Wharton made one of them, he was the life of the company. He led in the conversation, and was always sparkling, suggestive, and full of humor. He was a master of playful irony. It required a quick and sympathetic perception to follow and appreciate him, but even those who could thoroughly do neither could not fail to catch the contagion of his lively and spirited manner. At such times his countenance was peculiarly

bright and expressive, and his eyes gave anticipatory flashes of the thoughts he was about to utter. His humor was of a rare quality, and was turbulent and irrepressible. There were few subjects so serious that he could not perceive in them a humorous aspect. One would scarcely look for such things in a work on criminal law; but in his treatises on that subject we find, under the title of "Diversity of Knowledge among Judges," a disquisition on the intoxicant quality of liquors, in which the cases and decisions are discussed both upon principle and upon authority, but with a liveliness and humorousness of manner quite unexpected and entertaining. In the "International Law Digest" we find entertainment and instruction peculiarly combined in the chapter on official and social intercourse of diplomatic agents. The humorous passages found in his serious writings very well illustrate Dr. Wharton's manner in general conversation, and show the ease with which he could apprehend and state arguments.

Early in 1889 Dr. Wharton's physical powers began perceptibly to fail. The affection of the throat with which he had for a long time been troubled to the serious impairment of his voice, assumed an aggravated form, rendering his breathing labored and difficult and the effort to speak injurious. He was fully conscious of the critical features of his condition; but of all those who were concerned in his welfare he himself exhibited the least anxiety. He was always reticent as to his feelings, and rarely referred to the personal incidents of his life; but he was, besides, not afraid to look to the end. By the 1st of February his malady had made such rapid progress that it was thought advisable that he should go to Philadelphia in order that he might undergo examination at the hands of consulting specialists. On the morning of the day on which he undertook the journey he came to his office as usual, in order to look over his correspondence and dispose of any business that might require attention. Although fully aware of his danger, he exhibited no sign of despondency, but rather a quiet determination to face the worst that might come without faltering. The result of the consultation held in Philadelphia was communicated to the writer in a letter so illustrative of the temper and disposition of the sufferer that it is reproduced in this place:

PHILADELPHIA, *February* 4, 1889.

DEAR MR. MOORE: I have been undergoing a thorough examination by a consulting committee of specialists to-day, and they coincide in saying that there are critical features in my case which can only be met by my being confined to my house and chamber for two weeks under a specific treatment. Now, as the disease is purely local, it will greatly amuse me if you will send, as usual, any papers which I can report upon. I will consider this a particular favor. I will also be very glad to see you, but I am positively ordered not to say a word, so do not come unless there is something you can explain to me better by talking than writing. Now be sure to send to me any questions that come up, just as you did before. Please show this note to Mr. Bayard, with my love. I write this in Philadelphia, expecting to return to-night.

Ever yours,

F. W.

Following this letter was a postscript, requesting that a gentleman who was assisting him in the correction of some proof sheets would call upon him at his house immediately after his arrival from Philadelphia.

After his return from Philadelphia Dr. Wharton never left his chamber. The treatment under which he was placed required close confinement and absolute abstention from attempts to speak. For a time it seemed to afford relief, and he was encouraged to hope that he might be out again. It had been suggested that it might be necessary to perform a surgical operation, and the prospect that this might be avoided tended to dissipate his apprehensions. On the 9th of February Dr. Wharton wrote as follows :

Dear Mr. Moore: Please send down to my carriage a Congressional Register, giving a list of congressmen and our foreign consuls; also twenty or thirty sheets of foolscap Department paper; also my mail, and anything else you may have for me. I am getting decidedly better. The Salisbury-Sackville paper is excellent. The assumption that it is for England to determine how far she will interfere in our politics, and that by international law she is to be the exclusive arbiter of this, is intolerable.

My lips are sealed, but I can listen, read, and write all the better.

The document referred to as the "Salisbury-Sackville paper" was the communication which Mr. Bayard, on January 30, 1889, addressed to Mr. Phelps, United States Minister at London, in reply to the note of Lord Salisbury in the Sackville case, in which his Lordship assumed the position that the Government of the United States, instead of dismissing Lord Sackville from the post of British Minister at Washington, was bound to submit the complaints against him to the judgment of his Government, in order that it might decide whether they were of such a character as to require his removal. Dr. Wharton's brief note discloses the activity with which he continued to work; and his observations on the Sackville case show that his interest in current public questions had not abated, and that he was still capable of expressing his views with vigor and clearness.

About the middle of February the symptoms of Dr. Wharton's disease became more unfavorable. He began to experience greater difficulty in respiration, and the necessity of a surgical operation again became imminent. The tone of his communications lost its hopefulness, but he continued steadily at work, chiefly upon the "Diplomatic Correspondence of the Revolution." In a little book entitled the "Silence of Scripture," published in 1867, when he was rector of St. Paul's Church, in Brookline, Mass., he uttered the following thought: "The oars of Providence are muffled. We know not our hour; and hence we are to labor as if we were to live for ever, and trust as if we were to die to-night." As we look upon his last days, and observe the unostentatious heroism of his conduct, those words, spoken twenty years before, seem prophetic of his end. A few days prior to his decease the dreaded operation was performed in order to save him from strangulation; but, while the shock weakened his vital forces, he uttered no

complaint and gave no sign of mental distress. He continued at work on some proofs of the present publication, and his corrections betray no evidence of disturbance of thought. He was laboring as if he were "to live for ever," and trusting as if he were "to die to-night." From the calmness of his demeanor one might suppose that he had long lived in the presence of death and had ceased to dread its near approach. The lofty purpose, the dauntless resolution, and the abiding faith which had borne him through the vicissitudes of a life of unremitting effort were never shown with greater clearness than in these last moments. In the presence of death the secret of his life was revealed.

Late at night on the 20th of February, 1889, Dr. Wharton made the first confession of physical weakness which he uttered during his illness. He asked for nourishment and expressed a desire for repose. Then in brief sentences, written on slips of paper—for he could not speak—he bade good night to those who were watching by his bedside and begged them to retire to rest. Soon after midnight on the following morning, as he lay apparently asleep, he was observed to turn his head. He gave no sign of anguish, but at that moment he ceased to breathe.

On the reception of the news of his death the Secretary of State issued the following order:

DEPARTMENT OF STATE,
Washington, February 21, 1889.

Dr. Francis Wharton, the Solicitor of this Department, died early this morning in this city, and his funeral ceremonies will take place on Saturday next, the 23d instant, at 2 o'clock p. m., at his late residence, No. 2013 Hillyer Place.

Such officers of this Department as may desire to attend the funeral will not be required to be present at the Department after the hour of 1 p. m. on that day.

In making this announcement the Secretary of State desires also to place upon the files of the Department a mark of recognition of the public loss sustained by the death of Dr. Wharton, whose eminence as a jurist and remarkable attainments as a scholar are attested by his writings, and have enrolled his name among the most renowned publicists of our time.

His books upon the law remain a monument to his sound learning, wide research, and untiring industry.

Within the circle of those permitted to enjoy his personal companionship his memory will be cherished as a beloved associate, an honorable gentleman, and a sincere Christian.

T. F. BAYARD.

The funeral of Dr. Wharton took place on the 23d of February, and was attended by a large number of his friends. He was buried in Rock Creek Cemetery, near the city of Washington. He left to survive him a widow and two daughters. To attempt to describe the life of a man in the nearest and tenderest of social relations always savors of desecration. From these no hand should seek to remove the veil with which all sensitive natures wish to shield their domestic life from the eye of prurient curiosity. The remembrance of kindness, sympathy, and devotion is the appropriate treasure of those upon whom they are bestowed.

It is in keeping with Dr. Wharton's life that no studied tribute to his character should follow the account of his death and burial. As with him the end of existence was the end of labor, so we may permit the simple recital of what he accomplished to stand as his most fitting eulogy.

October 10, 1891.

[The Independent, January 10, 1889.]

"PATCHES" ON THE CONSTITUTION.

By Francis Wharton, LL. D.

Swift, in the "Tale of a Tub," likened the Christian record to three coats which a father left to his three sons with these injunctions: "Now you are to understand that these coats have two virtues contained in them; *one is, with good wearing they will last you fresh and sound as long as you live; the other is, that they will grow in the same proportion as your bodies, lengthening and widening of themselves so as to always fit.*" It so happened, however, that the oldest of the sons, conceiving that the control of the coats belonged to him, proceeded to cover them with patches of whatever finery the fashion of each succeeding season might make popular, destroying thereby not merely the excellence of their appearance, but their durability and elasticity. They could not be durable if they should have their substance subjected to the fastening on and then the tearing off of successive layers of stuff. They could not be elastic, so as to grow with the body of the wearer, if they were stiffened and clogged by these heavy superincumbent brocades.

Swift's coat, as he thus describes it, is a symbol not merely of the scriptural records, but of all systems which are the products of permanent natural and social conditions. If they are such products, they represent in simplicity these conditions, lasting as long as they last, growing as they grow, and so enduring and adapting themselves because of their very simplicity. Chief among systems of this character is the Constitution of the United States, which is the emanation of such conditions of the people of the United States as are permanent. It provides for the coexistence of Federal and State sovereignties. It provides for the coördination of executive, judiciary, and legislature. It gives the National Government, it gives each department of that Government, certain clearly defined powers, reserving to States and people all powers which are not so assigned. In this way it provides, in case it should not be overlaid with a superstructure of artificial construction, impairing at once its durability and its elasticity, a system of government which, instead of being swept away by new social or

economical developments, receives such developments under its own shelter as part of a harmonious and yet progressive whole.

But the Constitution of the United States, durable and flexible as it is itself, has had its durability threatened and its elasticity diminished by factors not unlike those which Swift allegorized in the "Tale of a Tub." The most potent and mischievous of these factors was the terroristic hyper-conservatism called forth by the French Revolution. Among men of conservative tendencies, among men who distrusted democracy on principle, there was a strong feeling that a general assault on vested rights was at hand, and that they must protect these rights by all available means.

In England, the school that was thus generated was led by Castlereagh, by Perceval, by Eldon, followed by the mass of the aristocracy trembling for their privileges, and by the great body of squires and country gentlemen who were incensed at whatever might disturb their bovine mastery of their own particular fields. By these classes both Houses of Parliament were dominated.

The accession to power in 1801 of the Democratic party prevented the parallel reaction which had begun in America from affecting the executive and legislative departments. But extreme conservatives despaired of the capacity of the Constitution as a barrier to resist the torrent of Jacobinism by which they thought civilization, religion, morality threatened. By Hamilton the fabric was spoken of as "frail and worthless;" by Gouverneur Morris its failure was lamented, but he thought could scarcely be averted. All that could be done would be to prop it up by buttresses and strengthen it by exterior walls, which might make it a fortress in which privileges could be protected, instead of a temple in which liberty was to reign by maintaining the full and harmonious play of State and Federal rights, and by securing to the people the undisturbed enjoyment of business facilities and of political privileges within the respective orbits of state and of nation.

There was one great and courageous statesman and judge, however, who shared the convictions of Hamilton and Morris without sharing their despair, and who, in his position as chief justice of the United States from 1801 to 1835, aided by an unbroken ascendency over his associates, was able to impose on the Constitution constructions which were designed to protect existing institutions and to repel Jacobinical assaults, but which tend to deprive it of much of that elasticity and comprehensiveness on which its durability as well as its utility depend.

Marshall's great moral and intellectual gifts, as well as his capacity as a chief of conservatism in its then supreme conflict with liberalism can be best measured by comparing him with Eldon, who led the same forces in England. Eldon had nothing to do with politics in his court, which, as an equity tribunal, excluded such considerations; but he had a great deal to do with them in the cabinet, in which, as Lord Chancellor, he held a leading position. Marshall had nothing to do

with politics off the bench, but on the bench he dealt with them in the broadest and most effective way, as a large part of the business of his court consisted in settling questions of high constitutional law. Both were men of great political courage; yet Eldon, while prompt and bold in the cabinet, was singularly hesitating and procrastinating on the bench, while Marshall, when in court, never doubted his conclusions, announcing them promptly and emphatically, and with a clearness and simplicity in singular contrast with the turgidity and involution of Eldon's style. Both were consummate managers of men, but Eldon's management was that of the supple courtier, Marshall's that of the majestic chief. Eldon was a tactician, maneuvering for present vantage ground; Marshall a strategist, planning campaigns whose field should be an empire and whose duration an era. Eldon's powers were weakened by his jobbery, his greed, his avarice; Marshall's grandeur was enhanced by his homely simplicity of life, his scorn of jobbery, his indifference to wealth, showing in his own person how little accumulated hoards of money have to do with greatness of the highest type. Both were great lawyers; but while Eldon was far more proficient in the delicate and intricate departments of equity, Marshall surpassed him in the application of common sense to the molding of common law. Eldon's court of chancery, as such, is now swept away, though many of the cardinal doctrines laid down by him in equity are accepted as part of the dominant law of England; and one of the reasons why his court, as such, fell under the ban was the discredit cast on it by his procrastination, his irresolution, and the enormous expense his system of patronage imposed on suitors. Marshall's court is now the strongest and most influential tribunal in the world; and this is, in a large measure, due to the matchless dignity he imparted to it, and the strong, plain, ready sense which his example set for its judgments. And in their political achievements the contrast is still more marked. The result of Eldon's political labors—the black acts, the repressive and bloody legislation as a whole, which his resolute voice had so large a part in forcing through—are now utterly vanished. But the constructions Marshall imposed on the Constitution still remain in greater or less vigor. It has been a great misfortune for the country that some of these constructions have served, like the tags and patches on Swift's coat, to impair seriously the comprehensive simplicity and the paucity of limitation which adapt that great document, as it stands in the original text, to each stage of business or economical development as it arrives. Some of the more damaging of the restrictive "patches" thus imposed I now proceed to consider.

1. Purchase and sale of negotiable paper, loaning money on such paper or on other assets, purchase of goods to meet advances at home or abroad, are matters which can be best arranged and adjusted by the competition of private interests, and which are, therefore, not within the scope of the Constitution of the United States, and can not be

brought within its operation without destroying that very capacity of adaptation to successive epochs which gives it permanency and comprehensiveness. In May, 1781, as a war measure—the war being then at its height and the Treasury insolvent—Congress chartered the first national bank, under the title of the Bank of North America. In February, 1791, when the country had scarcely emerged from the turmoil of the war, when collisions with France and with Spain were threatened, and when Britain still refused to fulfill the stipulations of the treaty of peace, a charter was granted to the first Bank of the United States, with power to discount commercial paper and to issue exchange on deposits of assets. In February, 1816, a charter to the same effect was again granted, as a measure of Government relief, in the suspension of banking operations which the war of 1812 precipitated. This charter, if sustainable at all, was sustainable, as were those of 1781 and 1791, on the ground that a Government bank was necessary to restore to its normal state the currency which the prior war had deranged. But in February, 1819, when credit was restored, trade returned to its natural channel, and the country entering upon a full course of enterprise calling for unfettered business activity, the Supreme Court of the United States, Chief Justice Marshall delivering the opinion, held that, not as a war measure, but as a permanent system of government, Congress could constitutionally put in operation a bank whose functions would include the buying and selling of commercial paper and the issuing of exchange on deposits of all kinds, speculative as well as actual. Of this construction that by which, many years afterwards, it was held within the constitutional power of Congress to force purchasers of goods to take irredeemable paper money in payment, and even to turn gold contracts into paper contracts, was a natural outcome.

2. The determination to protect existing institutions from the supposed enmity of democracy, culminated in the Dartmouth College case, decided in the same term as that which affirmed the constitutionality of the Bank of the United States. Dartmouth College was then existing under a royal charter, which the legislature of New Hampshire undertook to amend. The Supreme Court held that such amendment was inoperative, because a college corporation is a "private" and not a "public" corporation, and because charters of private corporations are contracts, which, under the Constitution of the United States, a State can not lawfully impair. The reasoning of the court brought not merely colleges, but banks, insurance companies, and common carriers, when incorporated, under the head of "private" corporations, so that privileges and immunities and monopolies once granted to them could not be withdrawn. If that decision had remained operative, a charter giving a stage corporation the exclusive perpetual right to convey passengers from point to point would have shut out any other carriers or any other method of carriage forever from the route; a charter empowering them to fix their own rates would make those rates unassailable;

a charter giving the owners of a particular reservoir the exclusive right to supply a city with water would prevent any other water supply, no matter how inadequate such a reservoir should prove. Had this "patch" been unalterably worked into the texture of the Constitution, its life would have been short. "If you persist in your supposed conscientious conviction that you must veto all bills removing religious tests, your majesty's crown," so the Duke of Wellington substantially told George IV, "must fall." The majesty of the Constitution would have been subjected to a like fate if it was held to contain provisions which made perpetual every monopoly, no matter how odious, that had been created in the past.

3. By the law of nations, as construed by the Continental Congress, and in the sense in which the term was used in the Constitution of the United States, freedom of the sea is secured to neutral merchant ships with certain well-defined restrictions. They can not, without peril, after notice, enter a blockaded belligerent port, and they are liable to confiscation if they attempt such entrance. They are subject to be searched at sea for contraband, and such contraband can be confiscated if found on board; but the term contraband is limited to munitions of war destined for belligerent use. Outside of these bounds they are entitled to traverse the high seas without molestation, and they can become carriers for belligerents and for belligerent property, the rule being that free ships make free goods. Over and over again Congress, during the Revolution, affirmed these positions, and a solemn adhesion was given by it to the armed neutrality, which adopted them as the basis of its existence. It was with no slight exultation at the prospect of prosperity that such a system would bring to American shipping that Franklin expatiated on the benignity and wisdom of a policy which discouraged belligerency and encouraged peace, and which would give the hardy seafaring population of America the control of the carrying trade of the world.

But other views were promulgated by England when engaged in her struggle with Napoleon. Her great enemy had from time to time the mastery of the continent of Europe; she must sink unless she obtained the undisputed mastery of the seas. Then there emanated from her courts a series of judgments greatly extending belligerent privileges and greatly diminishing neutral rights. Merely constructive blockades were sanctioned, and, under what was called the doctrine of continuous voyages, it was held that if goods were designed (a question as to which prize courts leaned naturally against neutrals) for blockade-running, they could be seized at any point on the road, though they were to be transshipped at an intermediate port. Contraband was swollen so as to include whatever was of value to the belligerent for whose use it was supposed to be intended. So far from free ships making free goods, enemy's goods were held open to seizure under neutral flags, and neutral ships could be searched for them, and the question of belligerent

erent ownership was, like all other disputed questions, to be left, when the seizure was by a British cruiser, to a British prize court, the fees of whose officers depended in a large measure on making good the capture, and whose prepossessions were all in favor of strengthening belligerent power in favor of Britain, then in a struggle almost for national existence.

We must not look too harshly on the tendency of the Supreme Court of the United States to sustain, though sometimes in faltering tones, those modifications of the law of nations which came across the Atlantic under the great name of Lord Stowell, clothed in the fascinating diction of which that judge was a master, and appealing to the community of feeling which made Americans as well as Englishmen look with aversion at the unscrupulous ambition of Napoleon, which aimed at the subjugation of all civilization to his own rapacious will. England, to many minds, seemed the only bulwark against this lawless Cæsarism on the one side and an equally lawless Jacobinism on the other side; and much as we may be amazed, considering what went before and what came after, at the devotion shown by leading Federalists to England in those dark days, we must be content to acknowledge that this devotion was at that juncture felt by some of the purest and noblest men our country has ever produced. It was not strange then that our Supreme Court should then have receded from the revolutionary doctrine of free seas, and should have in a measure sustained the destructive views introduced by English courts for the purpose of preserving from destruction British maritime supremacy, and with it the cause of revolution itself. Nor was it strange that when we ourselves became belligerents we should accept these doctrines, perilous as they are to neutral maritime rights, as settled law. But it is ground for profound grief as well as amazement that as late as December, 1866, the Supreme Court of the United States, in the famous case of the *Springbok*, should have held that it was good ground to confiscate the cargo of a neutral merchant ship; that the ship, at the time of search and seizure, was on the way to an intermediate neutral port for transshipment to a blockaded port of the enemy, though the seizure was made a thousand miles off from the port of final destination.

When this ruling was made, the civil war, by the judgment of the Supreme Court, had been closed for nearly a year. We were at peace with all the world. Our merchant shipping, it is true, was driven from the seas, but there was every prospect, on the basis of international law, as the Constitution meant it, of our old maritime strength being renewed. *Our* future had neutrality almost indelibly stamped on it, while the future of the Old World was marked by war, which made each sovereignty an armed camp and filled each great port with swift cruisers, ready, in case of conflict, to pounce, not merely on an enemy, but on neutrals who might presume to do any carrying trade on the high seas. With such a prospect before us we deliberately gave away

the opportunity of covering the seas with our merchant service. No wonder the English law officers chuckled with delight at such a surrender on our part, and declined, before the mixed commission after constituted, to impeach the *Springbok* ruling. It made England, already dominant on the seas, master not only of her shipping, but of ours. It would enable her, next time she goes to war with a European foe, to cut matters short, and in addition to blockading her enemy's ports of entrance, to blockade our ports of exit, and to say: "You are the feeders of the enemy—from you come the grain and other staples which nourish him—in addition to enlarging the list of contraband so as to comprehend most stores, I now, in conformity with your own law, as propounded in the *Springbok* case, blockade *your* ports, so as to keep your ships from carrying out anything the enemy might use. *You* blockaded *my* neutral port of Nassau; *I* blockade *your* neutral port of New York." It is not strange that American shipping should languish when under such a ban as this.

Such are among the "patches" which have been woven into our constitutional coat by its guardians, and which, so far as they are permanent, take from it the property which originally belonged to it of growing with our growth. One of these patches, that imposed by the Dartmouth College decision, has been substantially got rid of, partly by overruling by the court itself, partly by constitutional amendments in most States, which preclude granting charters without reservation of power of amendment. The "patch" which assumed to the Federal Government the power to sell exchange, to create illusory currency, and to absorb banking privileges has been removed, so far as it sanctioned a national government bank, by popular action; but it remains in its worst feature in the legal-tender ruling, by which it is held that Congress can, as a permanent peace system, force the reception of irredeemable paper in payment of debts, old as well as new. And the *Springbok* ruling, while repudiated by the executive branch of the Government, still remains unassailed in the records of the judiciary.

The Constitution itself requires no amendment; but what is required is the removal from it of the "patches," impairing its symmetry, its comprehensiveness, its elasticy, and its durability, which have been imposed on it by the judiciary.

DEPARTMENT OF STATE, *Washington, D. C.*

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To *Genet.* Views as to peace, May 9, 1780.
From *Vergennes*, May 10, 1780.
(See *Vergennes* to *Adams*, same date.)
To *Congress.* As to Irish affairs, May 10, 1780.
To *Congress.* Parliamentary discussion as to peace, May 11, 1780.
From *Digges*, May 12, 1780.
(See *Digges* to *Adams*, same date.)
To *Carmichael.* Current political news, May 12, 1780.
To *Jay.* Policy of France and Spain, May 13, 1780.
To *Congress.* Current political news, May 13, 1780.
To *Digges.* Resolute attitude of the United States, May 13, 1780.
To *Jay.* Current political news, May 15, 1780.
To *Genet.* Position of the United States, May 15, 1780.
To *Congress.* Current political news, May 15, 1780.
To *Genet.* Views as to relation of England and France to America, May 17, 1780.
From *Genet*, May 17, 1780.
(See *Genet* to *Adams*, same date.)
To *Congress.* Position of Spain and Holland, May 19, 1780.
To *Vergennes.* Gives late American news, May 19, 1780.
To *Congress.* Gives Conway's speech in House of Commons, May 20, 1780.
To *Congress.* Gives other extracts from debate, May 20, 1780.
To *Congress.* Recent political events, May 23, 1780.
To *A. Lee.* Sees grounds for dissatisfaction with his allies and associates, May 25, 1780.
To *Congress.* Gives an account of recent political events, May 26, 27, 1780.
To *Congress.* Affairs in Ireland, June 1, 1780.
To *Congress.* Account of Rodney's victory of April 17, 1780.
To *Congress.* Criticism on speech of Germain, June 1, 1780.
To *Congress.* Character of George III an obstacle to peace, June 2, 1780.
To *Congress.* Affairs in Holland and Spain, June 2, 1780.
To *Congress.* Current political news, June 4, 5, 1780.
To *Congress.* Criticises letter of General Clinton, June 6, 1780.
To *Congress.* Current political news, June 10, 1780.
To *Congress.* Current political Irish affairs, June 12, 1780.
To *Congress.* Reports Shelburne's speech of June 1, June 12, 1780.
To *Congress.* Criticises pamphlet of Galloway, June 16, 1780.
To *Congress.* Hutchinson's death and character; bad influence of refugees in England, June 17, 1780.
To *Vergennes.* Explanation of financial difficulties, June 20, 1780.
(See *Vergennes* to *Adams*, June 21, 1780.)
(As to correspondence with Vergennes on depreciation of currency, see *Vergennes* to *Adams*, June 21, 1780; *Adams* to *Vergennes*, June 22, 1780; *Adams* to *Franklin*, June 22, 29, 1780; see also *Vergennes* to *Franklin* and *Vergennes* to *Adams*, June 30, 1780.)
To Congress. Importance of a consul at Nantes, June 29, 1780.
To Jefferson. Mazzei, information as to; current political news, June 29, 1780.
To Vergennes. Loan-office certificates not repudiation, July 1, 1780.

ADAMS, JOHN—Continued.
To Congress. Navy should be more particularly employed in cruising, July 6, 1780.
To Congress. List of vessels destroyed on both sides during the war, July 6, 1780.
To Congress. Reports speech of Hartley and action of Parliament, July 7, 1780.
To Congress. Affairs in Holland, July 7, 1780.
From *W. Lee*, July 8, 1780.
(See *W. Lee* to *Adams*, same date.)
From *Lovell.* (Committee empowered to assume Laurens's duties in Holland, July 11, 1780.)
To Vergennes. Gives his counsels based on the condition of the war; maintains that the English in America are now and have been for two years in the power of their adversaries; that a superior French fleet should be continually maintained on the American waters; that there is a party unfriendly to France in the United States; that there is a strong effort made to prove that France is only seeking to depress both America and England by an unnecessary protracting of the war; that unless France makes greater efforts this belief will become general, July 13, 1780. (Answered by Vergennes, July 20, 1780.)
To Congress. Proposed neutral congress; misstatements of English papers as to America, July 14, 1780.
To Congress. Current political news, July 15, 1780.
To Congress. Statement of contending naval forces, July 15, 1780.
To Congress. Condition of Russian politics; Russia will not join England, July 15, 1780.
To Vergennes. Announcing that he thinks he should at once communicate to Britain his full powers, July 17, 1780.
(See *Vergennes'* protest, July 25, 1780.
To *Congress.* Dilates on attitude of Russia and Prussia, July 19, 1780.
To *W. Lee.* Clinton's fictitious letter; slight prospects of peace, July 20, 1780.
To *Vergennes.* Expresses satisfaction with what Vergennes tells him of French efforts, July 21, 1780.
To *Congress.* Gives current political news, July 22, 1780.
To *Congress.* Cumberland's mission at Madrid; exultation of British at late victories, July 23, 1780.
To *Vergennes.* Agrees to suspend notification to Britian of his powers until he hears from Congress, but retains his former opinion, July 26, 1780.
To *Vergennes.* Controverts Vergennes's statement that the King's aid to Congress was unsolicited; gives advice as to best way of employing the French fleet, July 27, 1780.
From *Vergennes.* Declining further correspondence, July 29, 1780.
From *Congress*, July 30, 1780.
(See *Congress* to *Adams*, same date.)
(See *Huntington*, President Congress, advising him that *Vergennes'* position is "well founded." *Infra*, Jan. 10, 1781.
To *Congress.* Differences between himself and Franklin as to the attitude to be maintained toward France, Aug. 9, 1780.
To *Congress.* Laments non-arrival of Laurens; gives Swedish and Danish declarations of neutrality; importance of minister at Holland, Aug. 14, 1780.
To *Franklin.* Political speculations; value of French alliance reciprocal, Aug. 17, 1780.
To *Congress.* France's reply to Sweden's neutrality declaration, Aug. 22, 1780.
To *Congress.* Probabilities of campaign; want of a loan agency in Europe, Aug. 23, 1780.
To *Congress.* Asking them to institute an academy for reforming and ascertaining the English language, Sept. 3, 1780.
From *Lovell.* Saying no further drafts will be sent, Sept. 7, 1780.

ADAMS, JOHN—Continued.
From *Dana*, Sept. 8, 1780.
(See *Dana* to *Adams*, same date.)
To *Congress*. Mentioning current events; sees no prospect of his commission being of utility; importance of privateering; English seizure of Russian ships and its probable consequences, Sept. 16, 1780.
To *Congress*. Accepts appointment as agent to Holland, Sept. 19, Oct. 5, 1780.
To *Congress*. Will not make known his agency; comments on the superiority of the English language to the Dutch, Sept. 20, 1780.
To *Congress*. Value of constitutions of American States as authorities; English influence in Holland, Sept. 25, 1780.
To *Congress*. Reports presentation of Dutch envoys to Russia, Sept. 28, Oct. 3, 1780.
From *Franklin*, Oct. 2, 1780.
(See *Franklin* to *Adams*, same date.)
To *Dumas*. As to peace prospects, Oct. 4, 1780.
To *Congress*. As to Portuguese exclusion of prizes, Oct. 6, 1780.
Resolutions of *Congress*. Instructing, not to agree to truce, nor to the restoration of refugees, Oct. 8, 1780.
From *Franklin*. Advising him of the offense given to Vergennes by certain expressions, and advising him that if they were inadvertent they be explained, Oct. 8, 1780.
To *Congress*. Information as to Dutch affairs; suggests minister to Holland, Oct. 11, 1780.
From *Franklin*, Oct. 20, 1780.
(See *Franklin* to *Adams*, same date.)
To *Franklin*. Acknowledging the introduction of Van der Capellan; stating that he (Adams) has powers from Congress to take the place of Laurens, Oct. 22, 1780.
To *Congress*. Barbaric treatment of Laurens; settling down at The Hague, Oct. 24, 1780.
To *Congress*. Capture of some of Laurens' papers, and their disclosure in Holland; severity of his treatment, Oct. 26, 1780.
From *Lovell*, Oct. 28, 1780.
(See *Lovell* to *Adams*, same date.)
To *Congress*. Political affairs in England and the United States, Oct. 31, 1780.
To *Franklin*. As to payment of bills drawn on Laurens, Nov. 4, 1780.
To *Congress*. Giving Yorke's memorial to Congress, Nov. 16, 1780.
To *Congress*. Showing the dangers to Holland from British intervention, Nov. 17, 1780.
To *Van der Capellan*. Showing the dangers to Holland from British intervention, Nov. 20, 1780.
To *Franklin*. No prospect of loan in Holland, Nov. 24, 1780.
To *Congress*. Critical condition of Holland, Nov. 25, 1780.
To *Franklin*. Dangerous crisis at Holland, Nov. 30, 1780.
To *Congress*. Dangerous crisis at Holland; no money to be there obtained; strength of English influence, Nov. 30, 1780.
To *Capellan*. Discusses relations of Holland to America, Dec. 9, 1780.
Narrates Yorke's final demand on Holland, Dec. 18, 1780.
To *Cushing*. Affairs in Holland resulting from Laurens' capture and disclosure of his papers; favorable views of the Russian Empress; no occasion for gloom; danger to America of extravagant luxury; censure of American public men; advises sumptuary laws; ruin that would follow accommodation with Britain; evil effect of refugees in England; advises imprisoning all disaffected persons; "would hang my own brother if he took part with the enemy," Dec. 15, 1780.

ADAMS, JOHN—Continued.
To *Congress.* Gives a sketch of Dutch churches, Dec. 21, 1780.
To *Congress.* Recall of Yorke and probability of Dutch war with Britain (three letters), Dec. 25, 1780.
To *Congress.* Unpopularity of British ministry, Dec. 26, 1780.
To *Congress.* Complications ensuing, Dec. 28, 1780.
To *Congress.* Position of Zealand and relations to England, Dec. 30, 1780.
To *Congress.* Want of information and probabilities as to war, Dec. 31, 1780.
To *Huntington.* Commissioned as minister to the Low Countries, Jan. 1, 1781.
To *Congress.* British manifesto of Dec., 1780, against the United Provinces; orders of council as to seizure of Dutch vessels and goods, Jan. 1, 1781.
From *Dana,* Jan. 1, 1781.
(See *Dana* to *Adams,* same date.)
Credentials of, to The Netherlands, Jan. 3, 1781.
To *Congress.* American cause popular in The Netherlands; loan not obtainable; Dumas recommended to Congress, Jan. 4, 1781.
To *Congress.* Affairs in Holland; Yorke ordered home without taking leave; Dutch minister in London ordered home, Jan. 5, 1781.
From *Huntington* (President of Congress). Saying that Congress holds that Vergennes' objections to Adams communicating his peace commission to Great Britain are well founded; also that Congress desires that he will not be influenced as to his action by views as to contingencies of English politics, Jan. 10, 1781.
(See *Lovel* to *Franklin,* March 9, 1781.)
To *Congress.* Dutch anger at England; Empress of Russia indignant at the memorials of Sir Joseph Yorke; convention to be signed 23d instant; letters of marque to be given against the English; the country unprepared for war; loan can not yet be raised, Jan. 14, 1781.
To *Congress.* Zealand endeavoring to bring about negotiations with England; the companies of commerce and insurance present a petition, supported by a resolution of the States of Zealand, for negotiations with England; navy of Holland, Jan. 15, 1781.
To *Congress.* Address of the Prince of Orange to the States-General, recommending preparation for war; reply of the States-General, approving, Jan. 15, 1781.
To *Congress.* Declaration of the States-General, acceding to the armed neutrality, Jan. 15, 1781.
To *Congress.* Loan can not be obtained; advises Congress not to draw in Holland, Jan. 15, 1781.
To *Congress.* Proclamation of the States-General to encourage privateering; proclamation that all marines in the sea service of Holland will receive a sum of money and the totally disabled a pension, Jan. 18, 1781.
To *Dana.* Lethargy of the Dutch; his sole pecuniary resource is Franklin; importance of treaty with the Dutch, Jan. 18, 1781.
To *Dana.* Pleased with action of Congress on Dec. 12, 1780; deprecates the croaking of Sullivan, Pickering, and Deane; thinks he could borrow money if he had a commission, Feb. 8, 1781.
To *Congress.* Treaty of marine and neutrality between Russia, Denmark and Norway, Sweden, and Holland, Feb. 11, 1781.
To *Franklin.* Requests funds to pay bills drawn by Congress; peace between Holland and England not probable; expects to obtain loan, Feb. 15, 1781.
To *Franklin.* Will send information of bills of exchange; Vauguyon and Vergennes advises; demand for an answer (to the proposition of an alliance); action of America in proposing alliance, Feb. 20, 1781.
From *Franklin,* Feb. 22, 1781.
(See *Franklin* to *Adams,* same date).

ADAMS, JOHN—Continued.
To *La Vauguyon.* Friesland resolves to acknowledge the independence of America; requests Vauguyon's opinion as to advisability of proposing a treaty between Holland and America, Mar. 1, 1781.
To the *States-General.* Presenting resolutions of Congress acceding to the principles of neutrality declared by Russia, Mar. 8, 1781.
To *Vauguyon.* Presents resolution of Congress acceding to the principles of neutrality declared by Russia, Mar. 8. 1781.
To *Van Berckel.* Presents resolution of Congress acceding to the principles of neutrality declared by Russia, Mar. 8, 1781.
To *Gallitzen.* Presents resolution of Congress acceding to the principles of neutrality declared by Russia, Mar. 8, 1781.
To *Sapherin.* Presents resolution of Congress acceding to the principles of neutrality declared by Russia, Mar. 8, 1781.
To *Ehrenswerd.* Presents resolution of Congress acceding to the principles of neutrality declared by Russia, Mar. 8, 1781.
To *Dana.* As to their personal relations; as to torpor prevalent in Holland, Mar. 12, 1781.
From *Vauguyon.* Declining to give his good offices as requested by, Mar. 14, 1781.
To *Congress.* Manifesto of Holland against England; offer of Russia to mediate; the offer accepted, Mar. 18, 1781.
Commission as minister to Holland received; negotiations for a loan; division of sentiment in that nation; England desires to involve Europe in war, Mar. 19, 1781.
To *Jay.* Spain's delay in recognizing the United States influences Holland, Mar. 28, 1781.
To *Congress.* Will consult as to conduct on his mission to Russia. *Dana* to *Congress*, Mar.28, 1781.
To *Congress.* Memorial presented by Baron de Lynden, from Holland to the King of Sweden, asking aid, Mar. 29, 1781.
To *Congress.* Taxes in England; financial systems of France and England; necessity of fixed taxes and credit at home to establish America's credit in Europe, Mar. 29, 1781.
From *Franklin*, Apr. 7, 1781.
(See *Franklin* to *Adams*, same date.)
To *Congress.* Can raise no funds in The Netherlands, and must depend on Franklin; affairs in The Netherlands, Apr. 6, 1781.
To *Franklin.* As to Arnold's corruption; has failed in his loan efforts in Holland; America might be able to stand alone; is badly treated in Europe, Apr. 16, 1781.
To *Vauguyon.* Power to conclude a treaty with Holland received; also letter of credence to the States-General and the Prince of Orange as minister plenipotentiary to Holland, Apr. 16, 1781.
To *Dana.* Advice as to his conduct on his mission to Russia; advises him to go to Russia as a private gentleman without consulting the French minister, and then, when in Russia, to call on the Russian minister to receive him; approves the sending of ministers to the several courts of Europe, Apr. 18, 1781.
From *Dana*, Apr. 18, 1781.
(See *Dana* to *Adams*, same date.)
To the *States-General.* Informing them of his commission as minister plenipotentiary and proposing a treaty, Apr. 19, 1781.
To the *Prince of Orange.* Informing him of his commission as minister plenipotentiary, with power to make a treaty, and inclosing his memorial to the States-General, Apr. 19, 1781.
From *Franklin*, Apr. 29, 1781.
(See *Franklin* to *Adams*, same date.)

ADAMS, JOHN—Continued.
To *Franklin*. List of bills; thinks a set of bills may procure Congress a loan; announces receipt of commission as minister, empowering him to make a treaty, Apr. 27, 1781.
To *Vauguyon*. As to joint action with other powers, May 1, 1781.
To *Congress*. Presentation of his powers to the grand pensionary of Holland, May 3, 1781.
To *Congress*. His reception declined by the Prince of Orange, on the ground that the independence of the United States had not yet been acknowledged; French minister dissents from Adams' course, May 7, 1781.
To *Franklin*. As to loans and accounts, May 8, 1781.
To *J. Laurens*. As to Laurens' late action in obtaining loans; agency of Major Jackson, May 8, 1781.
To *Congress*. As to his memorial, and also as to affairs in Holland, May 16, 1781.
To *Congress*. As to affairs in Holland; despairs of obtaining money there, May 16, 1781.
From *Franklin*, May 19, 1781.
(See *Franklin* to *Adams*, same date.)
To *Congress*. Giving French and Dutch convention, May 20, 1781.
To *Congress*. Prussian navigation ordinance, May 21, 1781.
To *Franklin*. As to affairs in Holland; as to addressing memorial to Dutch authorities, May 23, 1781.
To *Congress*. As to affairs in Holland, May 24, 1781.
To *Congress*. Giving Dutch state papers, May 27, 1781.
To *Congress*. His want of confidence in the French court, and his offering independent negotiations with Britain likely to embarrass both France and England. *Luzerne* to *Congress*, May 28, 1781.
To *Congress*. English blunders in the capture of St. Eustatia, May 29, 1781.
To *Congress*. Giving Dutch documents, May 29, 1781.
To *Congress*. Notifies States-General of the United States Confederation, June 1, 1781.
From *Franklin*, June 5, 1781.
(See *Franklin* to *Adams*, same date.)
To *Congress*. Affairs in Holland, June 5, 1781.
To *Congress*. Affairs in Holland, June 11, 1781.
From *Franklin*, June 11, 1781.
(See *Franklin* to *Adams*, same date.)
To *Congress*. Affairs in Holland, June 12, 1781.
To *Congress*. Affairs in Holland, June 15, 1781.
From *Congress*, June 20, 1781.
(See *Huntington* (*Congress*) to *Adams*, same date.)
To *Congress*. Position of Russia as to mediation, June 23, 1781.
To *Congress*. Affairs in Holland, June 23, 1781.
To *Congress*. Affairs in Holland; also as to introduction of British goods into the United States in neutral bottoms, June 26, 1781.
To *Congress*. Affairs in Holland, June 26, 1781.
To *Congress*. As to Jackson's accounts, June 27, 1781.
To *Congress*. As to affairs in Holland, June 29, 1781.
From *Franklin*, June 30, 1781.
(See *Franklin* to *Adams*, same date.
To *Congress*. Proceedings in Holland, July 5, 1781.
To *Vergennes*. As to mediation proposition, July 7, 1781.
To *Congress*. Proceedings in Holland, July 7, 1781.
To *Congress*. Proceedings in Russia, July 7, 1781.
To *Congress*. As to proceedings in Holland, July 10, 1781.
To *Congress*. As to mediation, July 11, 1871.

ADAMS, JOHN—Continued.
From *Congress*. Revocation of his powers to negotiate a commercial treaty, July 12, 1781.
To *Vergennes*. As to mediation, July 13, 1781.
To *Congress*. As to mediation, July 14, 1781.
To *Vergennes*. As to mediation, July 16, 1781.
To *Congress*. As to affairs in Holland, July 17, 1781.
To *Vergennes*. As to mediation, July 18, 1781.
To *Vergennes*. As to mediation, July 19, 1781.
(See *Vergennes* to *Adams*, July 18, 1781.)
To *Vergennes*. As to treaty-making power in the United States, July 21, 1781.
To *Congress*. As to affairs in Holland, July 21, 1781.
From *Lovell*. As to commission, July 21, 1781.
To *Congress*. As to current political events, Aug. 3, 1781.
To *Congress*. As to current political events; as to agents at Eustatia, Aug. 3, 1781.
To *Congress*. As to current political news, Aug. 6, 8, 1781.
From *Franklin*, Aug. 6, 1781.
(See *Franklin* to *Adams*, same date.)
From *Franklin*, Aug. 12, 1781.
(See *Franklin* to *Adams*, same date.)
From *Congress*, Aug. 16, 1781.
(See *Congress* to *Adams*, same date.)
From *Franklin*, Aug. 16, 1781.
(See *Franklin* to *Adams*, same date.)
From *Congress*. Instructions as to treaty with Holland, Aug. 16, 1781.
To *Congress*. Giving a statement as to the political status of Temple, Aug. 16, 1781.
To *Congress*. Russia's mediation for Holland, Aug. 16, 1781.
To *Congress*. Account of naval action of Aug. 5, 18, 1781.
To *Congress*. Account of naval action of Aug. 5, 22, 1781.
To *Congress*. Current political events; position of Van Berckel, Aug. 22, 1781.
To *Franklin*. As to progress of peace negotiations; mediation makes no progress; fighting the only effectual method of negotiation; "my talent, if I have one, is for making war," Aug. 25, 1781.
From *Franklin*, Aug. 25, 1781.
(See *Franklin* to *Adams*, same date.)
From *Dana*, Aug. 28, 1781.
(See *Dana* to *Adams* same date.)
From *Franklin*, Aug. 31, 1781.
(See *Franklin* to *Adams*, same date.)
From *Lovell*, Sept. 1, 1781.
(See *Lovell* to *Adams*, same date.)
Bills turned to Franklin for payment. *Luzerne* to *Congress*, Sept. 21, 1781.
To *Franklin*. Stating what expenses are to be regarded as public, Oct. 4, 1781.
To *Franklin*. Satisfaction with receiving the new commission of peace; advises that Vergennes should be informed of the extension of the commission, Oct. 4, 1781.
From *Franklin*. As to commission; giving American news and speaking of Adams' heavy acceptances, and his hope of a Dutch loan, Oct. 5, 1781.
To *Congress*. Approves of new commission of peace; does not believe that the English will treat for many years; has failed in attempts to borrow money; his reception put off, he does not know for how long; the English party in Holland not likely to succeed; his own ill health would make him willing to be recalled, Oct. 15, 1781.

ADAMS, JOHN—Continued.
To *Congress.* As to affairs in Holland, Oct. 17, 18, 25; **Nov. 1, 1781.**
From *Livingston*, Oct. 23, 1781.
(See *Livingston* to *Adams*, same date.)
From *Franklin*, Nov. 7, 1781.
(See *Franklin* to *Adams*, same date.
From *Franklin*, Nov. 23, 1781.
(See *Franklin* to *Adams*, same date.)
To *Vauguyon.* As to conference, Nov. 24, 25, 1781.
To *Franklin.* As to Russian mediation with Holland; congratulations as to Yorktown, Nov. 26, 1781.
To *Jay.* As to Yorktown; prejudicial effect of delay of Spain, Nov. 26, 1781.
From *Livingston.* The recall of his powers to make commercial treaty with Britain, Nov. 26, 1781.
From *Franklin*, Nov. 26, 1781.
(See *Franklin* to *Adams*, same date.)
From *Jay.* As to peace commission and Cornwallis' surrender, Nov. 28, 1781.
To *Congress.* Affairs in Holland, December 4, 1781.
From *Vauguyon*, December 7, 1781.
(See *Vauguyon* to *Adams*, same date.)
From *Franklin*, Dec. 14, 1781.
(See *Franklin* to *Adams*, same date.)
To *Congress.* Britain accepts Russia's mediation with Holland, Dec. 12, 24, 1781.
To *Congress.* Movements in Holland towards the United States, Dec. 14, 1781.
From *Jay*, Dec. 15, 1781.
(See *Jay* to *Adams*, same date.)
From *Franklin*, Dec. 17, 1781.
(See *Franklin* to *Adams*, same date.)
To *Congress.* As to his action in Holland, Dec. 18, 1781.
To *Vauguyon.* As to diplomatic action, Dec. 19, 1781.
From *Vauguyon*, Dec. 20, 1781.
(See *Adams* to *Vauguyon*, same date.)
To *Congress.* Prussian navigation ordinances, Dec. 25, 1781.
From *Livingston*, Dec. 26, 1781.
(See *Livingston* to *Adams*, same date.)
To *Congress.* Accession of Germany to armed neutrality, Dec. 29, 1781.
From *Vauguyon.* Giving advice of Vergennes in favor of his visit, under certain limitations, to Dutch officials, Dec. 30, 1781.
From *Livingston*, Jan. 9, 1782.
(See *Livingston* to *Adams*, same date.
To *Congress.* Announces his reception at The Hague and the condition of affairs in Holland, Jan. 14, 1782.
To *Congress.* Reports position of Russia, Jan. 15, 1782.
To *Congress.* Reports position of Sweden, Jan. 16, 1782.
To *Franklin.* Failure to obtain a new Dutch loan, Jan. 25, 1782.
From *Franklin*, Feb. 4, 1782.
(See *Adams* to *Franklin*, same date.)
From *Franklin*, Feb. 12, 1782.
(See *Franklin* to *Adams*, same date.)
To *Livingston.* Position of Affairs in Holland, Feb. 14, 19, 1782.
To *Franklin.* Is not officially received by the Government of The Netherlands, and objects to remaining *incognito*; his awkward position at The Hague; charged with vanity; American diplomats considered as "a kind of militia," Feb. 20, 1782.
To *Livingston.* Condition of affairs at Holland; has purchased a house for the legation at The Hague, Feb. 27, 1782.

ADAMS, JOHN—Continued.
From *Vauguyon* His course critized, Mar. 4, 1782.
From *Livingston.* Advised to have kindly relations to Vauguyon, Mar. 5, 1782.
To *Livingston.* Narrates action of British Parliament, Mar. 10, 1782.
Question of his public reception at The Hague, Mar. 11, 1782.
From *Franklin,* Mar. 11, 1782.
(See *Franklin* to *Adams,* same date.)
To *Franklin.* Discusses public affairs, Mar. 15, 1782.
To *Livingston.* Sends papers in respect to his reception as minister at Holland, Mar. 19, 1782.
Part in peace negotiations. (See Franklin's journal from Mar. 21 to July 1, 1782, under date of July 1, 1782.)
To *Franklin.* Visited by Digges, who converses with him as to peace, Mar. 26, 1782.
(See *Digges* to *Franklin,* Mar. 22, 1782.)
From *La Fayette,* Mar. 27, 1782.
(See *La Fayette* to *Adams,* same date.)
From *Franklin,* Mar. 31, 1782.
(See *Franklin* to *Adams,* same date.)
To *Van Bleiswick.* Acknowledges action of Holland and West Friesland, Mar. 31, 1782.
To *Vauguyon.* Mentions communication from Digges, Apr. 10, 1782.
From *Franklin,* Apr. 13, 1782.
(See *Franklin* to *Adams,* same date.)
To *Franklin.* As to peace negotiations, Apr. 16, 1782. (Given in Franklin's journal under date of July 1, 1782.
To *Livingston.* As to Holland affairs, Apr. 19, 22, 1782.
From *Dana,* Apr. 23, 1782.
(See *Dana* to *Adams,* same date.)
To *Livingston.* Affairs in Holland, Apr. 23, 1782.
To *Livingston.* Comments on court ceremonial, Apr. 23, 1782.
To *Franklin.* Peace negotiations, May 2, 1782. (Given in Franklin's journal under date of July 1, 1782.)
To *Dumas.* As to social duties, May 2, 1782.
Estimate of his expenses. *Livingston* to *Congress,* May 8, 1782.
From *Franklin,* May 8, 1782.
(See *Franklin* to *Adams,* same date, in Franklin's journal, July 1, 1782.)
To *Dana.* Affairs in Holland, May 13, 1782.
To *Livingston.* Affairs in Holland; importance of services of Dumas, May 16, 1782.
From *Livingston,* May 22, 1782.
(See *Livingston* to *Adams,* same date.)
From *Livingston.* Instructed as to impropriety of listening to suggestions of separate peace, May 29, 1782.
From *Livingston.* His course approved, May 30, 1782.
To *Livingston.* Affairs in Holland; visit from Laurens, June 9, 1782.
To *Franklin.* As to peace commission and affairs in Holland, June 13, 1782.
To *Livingston.* As to peace between Holland and England, June 14, 1782.
To *Livingston.* As to diplomatic intercourse with Holland, June 15, 1782.
To *Livingston.* Financial operations of Franklin and Morris, June 25, 1782.
From *Livingston,* July 4, 1782.
(See *Livingston* to *Adams,* same date.)
To *Livingston.* As to Dutch loan; as to a Dutch reception, inclosing an address from Schiedam, July 5, 1782.
From *Jay,* Aug. 2, 1782.

ADAMS, JOHN—Continued.
(See *Jay* to *Adams*, same date.)
To *Jay*. As to commission of peace and as to political prospects, Aug. 10, 1782.
To *Jay*. As to Fitz Herbert's commission; as to necessity of taking an independent position, Aug. 13, 1782.
To *Jay*. As to political details, Aug. 17, 1782.
To *Livingston*. As to political details; Dutch position as to peace, Aug. 18, 1782.
To *Laurens*. As to Fitz Herbert's commission, Aug. 18, 1782.
To *Livingston*. As to treaty with Holland, Aug. 22, 1782.
From *Laurens*, Aug. 27, 1782.
(See *Laurens* to *Adams*, same date.)
From *Livingston*, Aug. 29, 1782.
(See *Livingston* to *Adams*, same date.)
To *Livingston*. Position of French fleet; condition of affairs in Holland leading Dutch politicians; and of foreign ministers in Holland, Sept. 4, 1782.
To *Livingston*. Suspects France of encouraging Spain's delays in acknowledging independence; approves (differing from Franklin) sending ministers to Berlin, Vienna, Tuscany, etc.; reports affairs in Holland; peace negotiations; Vergennes disapproves of triple alliance; should not be bound by French advice, Sept. 6, 1782.
To *Livingston*. Gives account of his expenses, including purchase of house at The Hague, Sept. 7, 1782.
To *Laurens*. Deplores "infernal arts" used to create dissensions among American ministers, Sept. 15, 1782.
To *Congress*. Objects to form of British commission; desires Jennings as secretary to commission, Sept. 15, 1782.
To *Congress*. His reception by Holland as minister acknowledged. *Livingston* to *governors of states*, Sept. 15, 1782.
From *Livingston*, Sept. 15, 1782.
(See *Livingston* to *Adams*, same date.)
To *Dana*. Speaking of his success in Holland, Sept. 17, 1782.
To *Livingston*. Speculations as to peace; conversations with different foreign ministers; concert of Dutch and French fleets, Sept. 23, 1782.
To *Livingston*. Memorial as to Bank of Amsterdam, Sept. 26, 1782.
From *Morris*, Sept. 27, 1782.
(See *Morris* to *Adams*, same date.)
From *Jay*, Sept. 28, 1782.
(See *Jay* to *Adams*, same date.)
To *La Fayette*. Pleasant relations at The Hague, Sept. 29, 1782.
From *La Fayette*, Oct. 6, 1782.
(See *La Fayette* to *Adams*, same date.)
To *Jay*. Conclusion of treaty with Holland, Oct. 7, 1782.
To *Livingston*. Conclusion of treaty with Holland, Oct. 8, 1782.
To *Dana*. Conclusion of treaty with Holland, Oct. 10, 1782.
To *Livingston*. Conclusion of treaty with Holland, Oct. 12, 1782.
From *Dana*, Oct. 15, 1782.
(See *Dana* to *Adams*, same date.)
To *Livingston*. Arrival at Paris; has called on Jay, and find that they are perfectly agreed; does not consider himself bound to do nothing without French consent; suspects that Rayneval went to England to "insinuate something relative to the fisheries and the boundaries," Oct. 31, 1782.
(See Journal of peace negotiations, Nov. 2, 1782.)
From *Franklin*, Nov. 3, 1782.
(See *Franklin* to *Adams*, same date.)
To *Oswald*. Estates of loyalists can not be restored, Nov. 5, 1782.

ADAMS, JOHN—Continued.
To *Laurens*. Urges attendance of Laurens, Nov. 6, 1782.
To *Livingston*. Narrates progress of negotiations for peace; cautions against France, Nov. 6, 1782.
To *Franklin*. Settlement of accounts; has only obtained one million and a half guilders instead of five millions at Holland; prospects of peace, Nov. 6, 1782.
From *Livingston*, Nov. 6, 1782.
(See *Livingston* to *Adams*, same date.)
To *Dana*. Mentioning British recognition of independence, and thinking that Dana may now be received, Nov. 8, 1782.
To *Livingston*. Objects to rule requiring consultation with France, Nov. 8, 1782. His interview with Vergennes, with whom he dines and converses. Journal, Nov. 10, 1782.
To *Livingston*. Conversations with Whiteford and Oswald. Journal, Nov. 11, 1782.
To *Livingston*. Narrates progress of negotiations; exhibits his distinctive views; distrusts France, but opposes re-instatement of tories, Nov. 11, 1782.
From *Livingston*, Nov. 18, 1782.
(See *Livingston* to *Adams*, same date.)
To *Livingston*. Further protests against his instructions, Nov. 18, 1782.
To *Livingston*. Argues that America is to be suspicious of all great European powers; compensation refused to tories; visited by Ridley and Bancroft; speculations as to English politics, Nov. 20, 1782.
To *Livingston*. Discusses fisheries, Nov. 25, 26, 28, 29, 1782.
To *Livingston*. Speculations as to course of British ministry, Nov. 21, 1782.
Journal (fishery discussion), Nov. 26, 28, 29, 1782.
Journal (fishery and Mississippi), Nov. 30, 1782.
To *Franklin*. Suggests writing to Dana to communicate treaty of peace to Russia and the foreign minister there resident, and also to subscribe to the armed neutrality, Dec. 3, 1782. *Journal*, Dec. 3, 1782. As to treaties with other powers.
To *Livingston*. Notifying of treaty of peace, Dec. 4, 1782. (See *Journal*, Dec. 5, 1782.)
To *Dana*. Announcing treaty, and suggesting that he announce his mission, Dec. 6, 12, 1782. *Journal*, Dec. 9, 1782, as to future relations of Britain and the United States; agreement of all parties to armed neutrality.
Franklin and *Jay* to *Dana*. Advising him to notify his mission, Dec. 12, 1782.
To *Livingston*. Announcing signature of preliminaries; Dana's position, Dec. 14, 1782.
From *Livingston*, Dec. 19, 1782.
(See *Livingston* to *Adams*, same date.)
His purchase of house at The Hague approved by Congress, Dec. 27, 1782.
To *Dumas*. Dutch prospects of peace; armed neutrality; failure of his Dutch loan, Jan. 1, 1783.
Morris to *Franklin*, Jan. 11, 1783.
Morris to *Adams*, Jan. 19, 1783.
From *Dana*, Jan. 15, 1783.
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From *Franklin*, Jan. 19, 1783.
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From *Morris*, Jan. 19, 1783.
(See *Morris* to *Adams*, same date.)
To *Livingston*. Misfortunes of the Dutch; in politics, gratitude, etc.; are dangerous guides; speaks highly of Laurens, Jan. 23, 1783.
From *Dumas*. Inviting conference with Brantzen as to peace, Jan. 24, 1783.

ADAMS, JOHN—Continued.
To *Dumas*. Declining so to act, Jan. 29, 1783.
From *Dumas*, Jan. 30, 1783.
(See *Dumas* to *Adams*, same date.)
From *Dumas*, Feb. 4, 1783.
(See *Dumas* to *Adams*, same date.)
To *Dumas*. Grieving over the Dutch position; United States owe no thanks for their treaty to Vergennes; "I had great reasons to distrust him," but the French minister at The Hague is not to know this, Feb. 5, 1783.
To *Livingston*. Acknowledges the revocation of his appointment to negotiate a treaty with Great Britian; discusses fishery question; importance of a minister at London; we should send first; gives his views as to qualifications; thinks Jay and Dana are not to be excelled in qualifications, Feb. 5, 1783.
From *Livingston*, Feb. 13, 1783.
(See *Livingston* to *Adams*, same date.)
From *Dumas*, Feb. 18, 1783.
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From *Dumas*, Mar. 4, 1783.
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From *Dumas*, Mar. 6, 1783.
To *Laurens*. English views as to the peace, Mar. 12, 1783.
To *Vaughan*. It was well for England to have made peace with America when she did, Mar. 12, 1783.
From *Dana*, Mar. 16, 1783.
(See *Dana* to *Adams*, same date.)
From *Laurens*, Mar. 26, 1783.
(See *Laurens* to *Adams*, same date.)
To *Livingston*. Preparations for definitive treaty, Apr. 14, 1783.
From *Livingston*, Apr. 14, 1783.
(See *Livingston* to *Adams*, same date.)
From *Livingston*. As to salary and the treaty; regards the course of France "as in the highest degree generous and disinterested," Apr. 14, 1783.
To *Dana*. Is ready to go back to Congress; views as to definitive peace, May 1, 1783.
To *Morris*. As to affairs in Holland, May 1, 1783.
From *Dana*, May 15, 1783.
(See *Dana* to *Adams*, same date.)
To *Morris*. Advises a minister to England, May 21, 1783.
To *Livingston*. Communicating papers and information as to definitive peace; urges a minister to England, May 24, 1783.
Recommended by Jay as minister to England. *Jay* to *Livingston*, May 30, 1783.
Proposed agreement as to definitive treaty, June 1, 1783.
From *Dana*, June 1, 1783.
(See *Dana* to *Adams*, same date.)
To *Livingston*. Incloses papers, June 9, 1783.
To *Livingston*. Merits and claims of Holland; declines, however, to return there as a residence, June 16, 1783.
To *Livingston*. As to European politics, June 23, 1783.
To *Livingston*. As to European politics, June 24, 1783.
To *Livingston*. Definitive treaty not likely to alter preliminaries; Shelburne administration conducted itself with fairness and sincerity; not so its successors, the coalition ministry, which he condemns, June 29, 1783.
To *Livingston*. Visits to and from the diplomatic corps; views on English politics, July 3, 1783.

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To *Livingston.* Views as to the preliminary articles and definitive treaty, July 5, 7, 1783.
To *Livingston.* Justifies signing separate peace, and says that the substance of the preliminaries were communicated before signature to Vergennes and Rayneval, July 9, 1783.
To *Livingston.* No more money to come from France, July 10, 1783.
To *Livingston.* Continues to distrust France, July 10, 11, 1783.
To *Morris.* As to America's solvency, July 11, 1783.
To *Livingston.* Criticises Franklin's treaty with Portugal, July 12, 1783.
To *Livingston.* Suggests mission to Vienna, July 13, 1783.
To *Livingston.* Discusses English navigation policy and other matters, July 14, 1783.
To *Livingston.* Incloses papers, July 15, 1783.
To *Livingston.* Mediation; navigation act; confusion of English politics, July 16, 1783.
To *Livingston.* Gives his views as to definitive treaty, July 17, 1783.
Franklin and *Jay* to *Hartley.* As to definitive treaty, July 17, 1783.
To *Livingston.* His views as to confidence in France, July 18, 1783.
To *Livingston.* His position in Paris is "annihilation," July 18, 1783.
His views as to France dissented from by *Franklin* to *Livingston*, July 22, 1783.
To *Livingston.* Affairs in Holland, July 23, 25, 1783.
To *Morris.* As to mode of procuring money, July 28, 1783.
To *Livingston.* As to Dutch finances, July 28, 1783.
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To *Livingston.* As to Dutch colonies and political affairs, July 30, 31, 1783.
To *Livingston.* Information as to Portuguese commerce, Aug. 1, 1783.
To *Livingston.* As to Russian and German alliance against Turkey; dislike to remaining in Paris; objects to not being in the commission to treat with other European powers; would rather "be a door-keeper in Congress than remain in Paris, as I have done for the last five months;" speaks of "Lord Sheffield, with his friends Deane, Arnold, Skeene, and Paul Wentworth," as forming a party against us in London; that England is on the verge of a convulsion, Aug. 2, 1783.
To *Livingston.* Laments Franklin's success in the Swedish treaty (which was subsequently ratified by Congress); thinks it was taken improperly out of Dana's hands; considers Holland to have been deserted by France, Aug. 3, 1783.
To *Livingston.* Views as to Portugal and Spain; probabilities of definitive treaty, Aug. 10, 1783.
To *Livingston.* Britain proposes simply to make the provisional articles definitive, but declines the appearance of the imperial courts as mediators, Aug. 10, 1783.
To *Livingston.* Political affairs in France; objects (though a mistaken assumption) to Franklin negotiating treaties with Denmark, Aug. 13, 1783.
To *Gerry.* British attempts to separate France and the United States; the provisional treaty to become definitive; hopes that all the ministers in Europe (and not Franklin only) will be joined in commission to make treaties; compliments Jay, and complains of Franklin's ascendency, Aug 15, 1783.
To *Livingston.* Difficulties as to treaty with Holland; position of Vergennes, Aug. 15, 1783.
To *Congress.* Definitive treaty to be signed on Sept. 3; would return to America, but is not yet recalled from Holland, Sept. 1, 1783.

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To *Gerry*. Announcing signature; gives his views as to foreign ministers, and questions their value; "No man will ever be pleasing at a court in general who is not depraved in his morals or warped from your interests," Sept. 3, 1783.
To *Congress*. Definitive treaty signed on the 4th instant; mediation of imperial courts not accepted; regrets that the United States commissioners did not agree to it, Sept. 5, 1783.
To *Congress*. Gives his views as to European newspapers, Sept. 8, 1783.
To *Congress*. Acknowledges appointment as joint commissioner to negotiate commercial treaty with Great Britain, and proposes it be extended to other countries, Sept. 8, 1783.
To *Gerry*. Pomp and expense required in foreign ministers; their salaries not more than sufficient, Sept. 9, 1783.
To *Congress*. Advising authority to be given to minister at Paris to negotiate with foreign powers, Sept. 10, 1783.
To *Franklin*. Vindicating him from charge of lukewarmness as to fisheries, Sept. 13, 1783.
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To *Congress*. Negotiations with Prussia, Mar. 2, 1784.
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To *Congress*. As to announcement to European sovereigns of independence of the United States, June 22, 1784.
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To *Committee*. Holland disposed to prosecute the war vigorously; Germany offers to mediate with Russia; Spain and France dislike the offer of mediation, and will remain friends to America; policy of Spain towards America and preparations for war; Jay promised part of the loan to pay bills due; debt contracted for $30,000 or $40,000; Gardoqui will embark soon; Cumberland working to injure America; Count d'Estaing expected to visit America; Vergennes in bad health, Jan. 29, 1781.
To *Committee*. Affairs in Europe; offer of the Emperor of Germany to mediate; conduct of the Russian ambassador; Portugal will not join the armed neutrality; affairs in England; Cumberland demands a passport; fleet of Spain, Feb. 22, 1781.
To *Franklin*. Visit of Prince Marceran; intrigues of the Lees; opposition in Congress to Washington and Franklin; as to matters of literary interest, Feb. 28, 1781.
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From *Deane*, Jan. 31, 1777.
(See *Deane* to *Committee*, same date.)
To *Bingham*. Conduct of Captain Patterson; want of ships of the line; British losses in the Jerseys, Feb. 1, 1777.
To *Commissioners*. Danger of British naval supremacy; necessity of military supplies; enemy's difficulties in Jersey, Feb. 2, 1777.
From *Deane*, Feb. 6, 1777.
(See *Deane* to *Committee*, same date.)
From *Commissioners*, Feb. 6, 1777.
(See *Franklin, Deane*, and *Lee* to *Committee*, same date.)
From *A. Lee*, Feb. 11, 1777.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Feb. 14, 1777.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Feb. 18, 1777.
(See *A. Lee* to *Committee*, same date.)
To *Commissioners*. Progress of campaign; importance of French aid; question of sending frigates as convoys; stoppage of letters; supposed friendliness of Spain, Feb. 19, 1777.
From *Deane*, Feb. 27, 1777.
(See *Deane* to *Committee*, same date.)
From *Franklin* and *Deane*, Mar. 4, 1777.
(See *Franklin* and *Deane* to *Committee*, same date.)

COMMITTEE—Continued.
From *A. Lee*, Mar. 8, 1777.
(See *A. Lee* to *Committee*, same date.)
From *Franklin* and *Deane*, Mar. 12, 1777.
(See *Franklin* and *Deane* to *Committee*, same date.)
From *A. Lee*, Mar. 18, 1777.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Apr. 2, 1777.
(See *A. Lee* to *Committee*, same date.)
From *Dumas*, Apr. 12, 1777.
(See *Dumas* to *Committee*, same date.)
To *Commissioners*. Statement of condition of campaign; approval of dividing envoys among courts; improved state of the army's future prospects, May 2, 1777.
To *same*. Introducing Paul Jones and commending his services; authorizing the purchase of a frigate which Jones is to command; he is to be under direction of Commissioners, May 9, 1777.
From *A. Lee*, May 13, 1777.
(See *A. Lee* to *Committee*, same date.)
To *Commissioners*. Arrival of *Amphitrite*, but her capture on her return trip; importance of loan from France; advantages to France and Spain from a war at this time with Britain, May 30, 1777.
From *Dumas*, May 16, 1777.
(See *Dumas* to *Committee*, same date.)
From *Franklin* and *Deane*, May 25, 1777.
(See *Franklin* and *Deane* to *Committee*, same date.)
From *Franklin* and *Deane*, May 26, 1777.
(See *Franklin* and *Deane* to *Committee*, same date.)
From *A. Lee*, June 11, 1777.
(See *A. Lee* to *Committee*, same date.)
To *Commissioners*. Progress of campaign and its hopefulness; barbarity of enemy, June 13, 1777.
From *Dumas*, June 14, 1777.
(See *Dumas* to *Committee*, same date.)
To *Commissioners*. Predatory excursions of enemy; his movements in Jersey, June 18, 1777.
To *same*. Retreat of enemy to Amboy; importance of friendship with Dutch, June 26, 1777.
To *same*. British evacuation of New Jersey; commissions sent to Izard and Lee, July 2, 1777.
From *A. Lee*, July 29, 1777.
(See *A. Lee* to *Committee*, same date).
To *Commissioners*. Loss of Ticonderoga; British naval movements on Delaware, Aug. 7, 1777.
From *Dumas*, Aug. 22, 1777.
(See *Dumas* to *Committee*, same date.)
From *Deane*, Sept. 3, 1777.
(See *Deane* to *Committee*, same date.)
From *Commissioners*, Sept. 8, 1777.
(See *Franklin*, *Deane*, and *Lee* to *Committee*, same date.)
From *A. Lee*, Sept. 9, 1777.
(See *A. Lee* to *Committee*, same date.)
From *Deane*, Sept. 10, 1777.
(See *Deane* to *Committee*, same date.)
From *Izard*, Oct. 6, 1777.
(See *Izard* to *Committee*, same date.)

COMMITTEE—Continued.
From *A. Lee*, Oct. 6, 1777.
(See *A. Lee* to *Committee*, same date.)
To *Commissioners*. Progress of campaign of Gates and Burgoyne; favorable auspices; battle of Brandywine and British occupation of Philadelphia; importance of Prussian alliance; weakness of American naval forces; need of foreign maritime aid, Oct. 6, 1777.
To *same*. Difficulty in pledging land as security for foreign loans; promised reception of "Irish noblemen" to equal rank; interest on loans will be faithfully paid, Oct. 6, 1777.
From *Dumas*, Oct. 14, 1777.
(See *Dumas* to *Committee*, same date.)
To *Commissioners*. Victory of Gates over Burgoyne Oct. 7; objection to British goods being protected by French bottoms; regrets at not being able to find employment for certain French officers, Oct. 18, 1777.
To *same*. Burgoyne's surrender; repulse of British at Red Bank; importance of acknowledgment of American independence in Europe, Oct. 31, 1777.
To *same*. Announcing bills on them drawn by Henry Laurens, President of Congress, Nov. 8, 1777.
From *A. Lee*, Nov. 27, 1777.
(See *A. Lee* to *Committee*, same date.)
From *Commissioners*, Nov. 30, 1777.
(See *Franklin* to *Deane* and *Lee* to *Committee*, same date.)
To *same*. Difficulty in arranging for foreign officers, and particularly for Coudray; his dissatisfaction; return to France of officers who were not contented with their position; Congress has done for them all in its power, Dec. 1, 1777.
To *same*. Progress of campaign; battle of Germantown; Washington's army at Valley Forge; efforts made to raise money; necessity of foreign loan; difficulty in forwarding American produce; hopes of aid from Prussia; advantages of intercepting British Chinese fleet, and of cruising on African coast; approves plan for building frigate and purchasing cannon, Dec. 2, 1777.
From *A. Lee* (two letters), Dec. 8, 1777.
(See *A. Lee* to *Committee*, same date.)
From *Dumas*, Dec. 16, 1777.
(See *Dumas* to *Committee*, same date.)
From *Izard*, Dec. 18, 1777.
(See *Izard* to *Thomson*, same date.)
From *Commissioners*, Dec. 18, 1777.
(See *Commissioners* to *Committee*, same date.)
From *Adams*, Dec. 24, 1777.
(See *Adams* to *Committee*, same date.)
From *A. Lee*, Jan. 5, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Jan. 15, 1778.
(See *A. Lee* to *Committee*, same date.)
To *Commissioners*. Disappointment at loss of dispatches sent by Captain Folger; inquiring into Folger's character, Jan. 16, 1778.
To *same*. Burgoyne's army at Boston; Howe at Philadelphia, Jan. 21, 1778.
From *A. Lee*, Feb. 10, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Feb. 15, 1778.
(See *A Lee* to *Committee*, same date.)
From *Commissioners*, Feb. 16, 1778.
(See *Franklin*, *Deane*, and *Lee* to *Committee*, same date.)
From *same*, Feb. 28, 1778.
(See *Franklin*, *Deane*, and *Lee* to *Committee*, same date.)

COMMITTEE—Continued.
From *A. Lee*, Feb. 28, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Apr. 5, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Apr. 8, 1778.
(See *A. Lee* to *Committee*, same date.)
From *Dumas*, Apr. 14, 1778.
(See *Dumas* to *Committee*, same date.)
From *A. Lee*, Apr. 14, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Apr. 26, 1778.
(See *A. Lee* to *Committee*, same date.)
To *Bingham*. Foundering of *Reprisal* and Captain Wickes and of loss of Lexington; correspondence apt to be intercepted and corrupted, Mar. 2, 1778.
To *Commissioners*. Monetary difficulties in the States; loss of dispatches, Mar. 24, 1778.
To *Bingham*. As to accounts and position of campaign, Apr. 16, 1778.
To *Commissioners*. Stating Bingham's authority to draw bills on Commissioners, Apr. 16, 1778.
To *Bingham*. British parliamentary action; issue by enemy of a forged document purporting to come from Washington, Apr. 26, 1778.
From *A. Lee*, May 9, 1778.
(See *A. Lee* to *Committee*, same date.)
To *Commissioners*. Anxiety as to information from Paris, Apr. 26, 1778.
To *Dumas*. As to relations with Holland, May 14, 1778.
To *Commissioners*. Improved condition of affairs; activity of British emissaries; repulse of British compromise; high approval of treaties with France; Commissioners authorized to give up the 11th and 12th articles; regret at misconduct of officers of American vessels, May 14, 1778.
To *same*. Difficulty in exporting tobacco; reasons for dropping 11th and 12th articles; condition of campaign; as to accounts of Beaumarchais, May 15, 1778.
From *A. Lee*, May 20, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, May 23, 1778.
(See *A. Lee* to *Committee*, same date.)
From *Adams*, May 24, 1778.
(See *Adams* to *Committee*.)
From *A Lee*, June 1, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, June 9, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, June 15, 1778.
(See *A. Lee* to *Committee*, same date.)
To *Commissioners*. British evacuation of Philadelphia; inquiries as to Holker's mission, June 21, 1778.
To *Bingham*. As to military movements, Sept. 18, 1778.
From *A. Lee*, July 1, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, July 28, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, July 28, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, July 29, 1778.
(See *A. Lee* to *Committee*, same date.)

COMMITTEE—Continued.
From *Commissioners*, July 29, 1778.
(See *Franklin et al.* to *Committee*, same date.)
From *A. Lee*, Aug. 7, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Aug. 21, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Aug. 31, 1778.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Sept. 9, 1778.
(See *A. Lee* to *Committee*, same date.)
From *W. Lee*, Sept. 12, 1778.
(See *W. Lee* to *Committee*, same date.)
From *A. Lee*, Sept. 30, 1778.
(See *A. Lee* to *Committee*, same date.)
From *Dumas*, Dec. 25, 1778.
(See *Dumas* to *Committee*, same date.)
From *Franklin*, Jan. 15, 1779.
(See *Franklin* to *Committee*, same date.)
From *A. Lee*, Jan. 15, 1779.
(See *A. Lee* to *Committee*, same date.)
From *Izard*, Jan. 28, 1779.
(See *Izard* to *Committee*, same date.)
From *Adams*, Feb. 13, 1779.
(See *Adams* to *Committee*, same date.)
From *A. Lee*, Feb. 25, 1779.
(See *A. Lee* to *Committee*, same date.)
From *W. Lee*, Feb. 25, 1779.
(See *W. Lee* to *Committee*, same date.)
From *Dumas*, Mar. 1, 1779.
(See *Dumas* to *Committee*, same date.)
From *Izard*, Mar. 4, 1779.
(See *Izard* to *Committee*, same date.)
From *A. Lee*, Mar. 7, 1779.
(See *A. Lee* to *Committee*, same date.)
From *W. Lee*, Mar. 25, 1779.
(See *W. Lee* to *Committee*, same date.
From *A. Lee*, Apr. 6, 1779.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Apr. 22, 1779.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Apr. 26, 1779.
(See *A. Lee* to *Committee*, same date.)
From *Dumas*, Apr. 29, 1779.
(See *Dumas* to *Committee*, same date.)
From *Dumas*, May 15, 1779.
(See *Dumas* to *Committee*, same date.)
From *A. Lee*, May 21, 1779.
(See *A. Lee* to *Committee*, same date.)
From *Franklin*, May 26, 1779.
(See *Franklin* to *Committee*, same date.)
From *Gerard*, Aug. 23, 1779.
(See *Gerard* to *Committee of Congress*, same date.)
From *A. Lee*, Aug. 24, 1779.
(See *A. Lee* to *Committee*, same date.)

COMMITTEE—Continued.
From *A. Lee*, Sept. 19, 1779.
(See *A. Lee* to *Committee*, same date.)
From *Dumas*, Sept. 20, 1779.
(See *Dumas* to *Committee*, same date.)
From *W. Lee*, Sept. 28, 1779.
(See *W. Lee* to *Committee*, same date.)
From *Izard*, Sept. 29, 1779.
(See *Izard* to *Committee*, same date.)
From *A. Lee*, Oct. 13, 1779.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Oct. 21, 1779.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Nov. 6, 1779.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Nov. 30, 1779.
(See *A. Lee* to *Committee*, same date.)
From *A. Lee*, Dec. 8, 1779.
(See *A. Lee* to *Committee*, same date.)
From *Dumas*, Dec. 9, 1779.
(See *Dumas* to *Committee*, same date.)
From *Dumas*, Dec. 10, 1779.
(See *Dumas* to *Committee*, same date.)
From *Dumas*, Dec. 11, 1779.
(See *Dumas* to *Committee*, same date.)
From *A. Lee*, Dec. 25, 1779.
(See *A. Lee* to *Committee*, same date.)
From *Dumas*, Dec. 30, 1779.
(See *Dumas* to *Committee*, same date.)
From *A. Lee*, Jan. 19, 1780.
(See *A. Lee* to *Committee*, same date.)
From *H. Laurens*, Jan. 24, 1780.
(See *H. Laurens* to *Committee*, same date.)
From *H. Laurens*, Feb. 14, 1780.
(See *H. Laurens* to *Committee*, same date.)
From *H. Laurens*, Feb. 24, 1780,
(See *H. Laurens* to *Committee*, same date.)
From *Dumas*, Mar. 15, 1780.
(See *Dumas* to *Committee*, same date.)
From *Jay*, May 27, 1780.
(See *Jay* to *Committee*, same date.)
From *Carmichael*, May 28, 1780.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, July 17, 1780.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, Aug. 22, 1780.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, Sept. 9, 1780.
(See *Carmichael* to *Committee*, same date.)
From *H. Laurens*, Sept. 14, 1780.
(See *H. Laurens* to *Committee*, same date.)
From *Carmichael*, Sept. 25, 1780.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, Oct. 15, 1780.
(See *Carmichael* to *Committee*, same date.)

COMMITTEE—Continued.
From *Carmichael*, Nov. 28, 1780.
(See *Carmichael* to *Committee*, same date.)
From *Jay*, Nov. 30, 1780.
(See *Jay* to *Committee*, same date.)
From *Carmichael*, Dec. 19, 1780.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, Jan. 7, 1781.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, Jan. 29, 1781.
(See *Carmichael* to *Committee*, same date.)
From *Dana*, Feb. 16, 1781.
(See *Dana* to *Committee*, same date.)
From *Carmichael*, Feb. 22, 1781.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, Mar. 4, 1781.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, Mar. 11, 1781.
(See *Carmichael* to *Committee*, same date.)
From *Morris*, Mar. 24, 1781.
(See *Morris* to *Burke et al.*, same date.)
From *W. Lee*, Apr. 12, 1781.
(See *W. Lee* to *Committee*, same date.)
From *Carmichael*, May 25, 1781.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, May 26, 1781.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, June 2, 1781.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, Sept. 28, 1781.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, Oct. 6, 1781.
(See *Carmichael* to *Committee*, same date.)
From *Carmichael*, Nov. 17, 1781.
(See *Carmichael* to *Committee*, from *Livingston*, same date.)
Committee as to Rhode Island, Dec. 20, 1782.
(See *Livingston* to *Committee*, same date.)
[For other letters to committees, see *Congress.*]
COMMITTEES OF CONGRESS, government of foreign affairs by. See introduction, §§ 15, 103, 104, 180, 209. See also *Congress.*
(For letters by committees, see also names of chairmen of such committees.)
"COMPROMISERS."—Persons appearing as such during the war. Introduction, § 197.
CONCILIATION BILL, rejection of, by House of Commons. *Hartley* to *Franklin*, July 17, 1880.
CONCILIATORY MEASURES OF LORD NORTH in 1778. *Commissioners* to *Committee*, Feb. 28, 1778.
CONFEDERATION frigate, fitting out at Martinique. *Luzerne* to *Congress*, Mar. 8, 1780.
(See *Jay* to *Franklin*, Jan. 26, 1780.)
CONFERENCE. Lord Howe regrets Franklin will not meet him for informal. *Lord Howe* to *Franklin*, Aug. 16, 1776.
Committee appointed for, with Lord Howe. *Franklin* to *Lord Howe*, Sept. 8, 1776.
Between *Lord Howe* and *American Commissioners*, details of, Sept. 11, 1776.
Account of. *Committee* to *Commissioners*, Dec. 21, 1776.

CONGRESS (prior to Aug. 1781) took entire control of foreign affairs by resolution or through committees. Introduction, § 103.
Inefficiency of management of foreign affairs. *Ibid.*, §§ 104 *ff.*
Cabals in. *Ibid.*, §§ 11, 209.
Parties in. *Ibid.*, §§ 2 *ff.*
Opposition in, to executive government. *Ibid.*, § 209.
Encroachments of. *Ibid.*, § 4.
Last petition of, to the British King. *Franklin* to *Priestley*, July 7, 1775.
Directs the Committee of Correspondence to engage engineers in the service of the Colonies. *Secret Journals of Congress*, Dec. 2, 1775.
Authorizes application for supplies to French West India Islands, May 18, 1776.
Prepares form of treaties, July 20, 1776.
From *Beaumarchais*, Sept. 15. 1776.
(See *Beaumarchais* to *Congress*, same date.)
Instructions to Commissioners in Paris, Oct. 16, 1776.
From *Deane*, Oct. 17, 1776.
(See *Deane* to *Congress*, same date.)
General instructions to Commissioners to purchase ships, Oct. 22, 1776.
From *Deane*, Nov. 27, 1776.
(See *Deane* to *Congress*, same date.)
From *Beaumarchais*, Dec. 1, 1776.
(See *Beaumarchais* to *Congress*, same date.)
From *Franklin*, Dec. 8, 1776.
(See *Franklin* to *Congress*, same date.)
Faith of, pledged by Commissioners for supplies, Jan. 5, 1777.
Action of, as to importation of arms and as to loan. *Morris* to *Commissioners*, Jan. 14, 1777.
From *Franklin*, Jan. 20, 1777.
(See *Franklin* to *Congress*, same date.)
From *Franklin* and *Deane*, Feb. 6, 1777.
(See *Franklin* and *Deane* to *Congress*, same date.)
From *Beaumarchais*, Feb. 28, 1777.
(See *Beaumarchais* to *Congress*, same date.)
From *Deane*, Apr. 8, 1777.
(See *Deane* to *Congress*, same date.)
Policy of, in May, 1777; *Committee* to *Commissioners*, May 2, 1777. See Introduction, §§ 104 *ff.*
Action of, as to commissions to foreign ministers, July 2, 1777.
From *W. Lee*, Oct. 7, 1777.
(See *W. Lee* to *Congress*, same date.)
From *Adams*, Dec. 23, 1777.
(See *Adams* to *Congress*, same date.)
From *W. Lee*, Jan. 22, 1778.
(See *W. Lee* to *Congress*, same date.)
From *W. Lee*, Feb. 7, 1778.
(See *W. Lee* to *Congress*, same date.)
From *Franklin* and *Deane*, Feb. 8, 1778.
(See *Franklin* and *Deane* to *Congress*, same date.)
From *Izard*, Feb. 16, 1778.
(See *Izard* to *Congress*, same date.)
From *W. Lee*, Feb. 28, 1778.
(See *W. Lee* to *Congress*, same date.)
From *A. Lee*, Mar. 19, 1778.
(See *A. Lee* to *Congress*, same date.)

CONGRESS—Continued.
From *W. Lee*, Mar. 23, 1778.
(See *W. Lee* to *Congress*, same date.)
From *Vergennes*, Mar. 25, 1778.
(See *Vergennes* to *Congress*, same date.)
From the *King of France* (two letters), Mar. 28, 1778.
(See *King of France* to *Congress*, same date.)
From *Franklin*, Mar. 31, 1778.
(See *Franklin* to *Congress*, same date.)
Difficulty in obtaining information. *Lovell* to *Commissioners*, Apr. 30, 1778.
Instructions of, to Commissioners, May 1, 1778.
From *Commissioners*, May 19, 1778.
(See *Franklin, Lee*, and *Adams* to *Congress*, same date.)
From *Carmichael*, June 17, 1778.
(See *Carmichael* to *Congress*, same date.)
From *Izard*, June 28, 1778.
(See *Izard* to *Congress*, same date.)
From *D'Estaing*, July 8, 1778.
(See *D'Estaing* to *Congress*, same date.)
From *Deane*, July 18, 1778.
(See *Deane* to *Congress*, same date.)
From *Gerard* (two letters), July 14, 1778.
(See *Gerard* to *Congress*, same date.)
From *Commissioners*, July 20, 1778.
(See *Franklin et al.* to *Congress*, same date.)
From *Commissioners*, July 23, 1778.
(See *Franklin* and *Adams* to *Congress*, same date.)
From *Izard*, July 25, 1778.
(See *Izard* to *Congress*, same date.)
From *Adams*, July 27, 1778.
(See *Adams* to *Congress*, same date.)
From *Deane*, July 28, 1778.
(See *Deane* to *Congress*, same date.)
From *Commissioners*, July 29, 1778.
(See *Franklin et al.* to *Congress*, same date.)
From *Adams*, Aug. 27, 1778.
(See *Adams* to *Congress*, same date.)
From *Adams*, Sept. 7, 1778.
(See *Adams* to *Congress*, same date.)
From *Deane*, Sept. 8, 1778.
(See *Deane* to *Congress*, same date.)
From *Deane*, Sept. 11, 1778.
(See *Deane* to *Congress*, same date.)
From *Adams*, Sept. 11, 1778.
(See *Adams* to *Congress*, same date.)
From *Izard*, Sept. 12, 1778.
(See *Izard* to *Congress*, same date.)
From the *Commissioners*, Sept. 17, 1778.
(See *Franklin et al.* to *Congress*, same date.)
Proceedings of, in Deane's case, Sept. 16, 18, 22, Oct. 14, Dec. 7, 22, 31, 1778; June 10, Aug. 16, 1779.
From *Adams*, Sept. 20, 1778.
(See *Adams* to *Congress*, same date.)
From *Commissioners*, Sept. 22, 1778.
(See *Franklin et al.* to *Congress*, same date.)

CONGRESS—Continued.
From *Deane*, Sept. 22, 1778.
(See *Deane* to *Congress*, same date.)
Action of, as to dissensions among ministers abroad, Sept. 22, Oct. 15, Dec. 7, 1778; Jan. 20, Mar. 24, 27, Apr. 3, 15, 20, 30, May 3, June 8, 10, Aug. 16, 1779.
From *Deane*, Sept. 24, 1778.
(See *Deane* to *Congress*, same date.)
From *Adams*, Oct. 2, 1778.
(See *Adams* to *Congress*, same date.)
Invites Dr. Price to a financial position, Oct. 6, 1778.
From *Deane*, Dec. 4, 1778.
(See *Deane* to *Congress*, same date.)
From *Gerard*, Dec. 6, 1778.
(See *Gerard* to *Congress*, same date.)
From *Adams*, Dec. 6, 1778.
(See *Adams* to *Congress*, same date.)
From *Gerard*, Dec. 7, 1778.
(See *Gerard* to *Congress*, same date.)
From *Adams*, Dec. 8, 1778.
(See *Adams* to *Congress*, same date.)
From *Deane*, Oct. 7, 1878.
(See *Deane* to *Congress*, same date.)
From *Deane* (three letters), Oct. 12, 1778.
(See *Deane* to *Congress*, same date.)
From *Deane*, Nov. 1, 1778.
(See *Deane* to *Congress*, same date.)
From *Commissioners*, Nov. 7, 1778.
(See *Franklin et al.* to *Congress*, same date.)
From *Gerard*, Nov. 9, 1778.
(See *Gerard* to *Congress*, same date.)
From *Deane*, Nov. 19, 1778.
(See *Deane* to *Congress*, same date.)
From *Gerard*, Nov. 20, 1778.
(See *Gerard* to *Congress*, same date.)
From *Deane*, Nov. 30, 1778.
(See *Deane* to *Congress*, same date.)
From *Gerard*, Dec. 2, 1778.
(See *Gerard* to *Congress*, same date.)
From *Adams*, Dec. 3 1778.
(See *Adams* to *Congress*, same date.)
From *Gerard*, Dec. 4, 1778.
(See *Gerard* to *Congress*, same date.)
From *King of France*, Dec. 19, 1778.
(See *King of France* to *Congress*, same date.)
From *Gerard*, Dec. 14, 1778.
(See *Gerard* to *Congress*, same date.)
From *H. Laurens*, Dec. 16, 1778.
(See *H. Laurens* to *Congress*, same date.)
From *Deane*, Dec. 21, 1778.
(See *Deane* to *Congress*, same date.)
From *Deane*, Dec. 30, 1778.
(See *Deane* to *Congress*, same date.)
From *Gerard*, Jan. 4, 1779.
(See *Gerard* to *Congress*, same date.)

CONGRESS—Continued.
From *Deane*, Jan. 4, 1779.
(See *Deane* to *Congress*, same date.)
From *Gerard*, Jan. 5, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard*, Jan. 10, 1779.
(See *Gerard* to *Congress*, same date.)
Action as to French alliance, Jan. 14, 1779.
From *Gerard*, Jan. 14, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard*, Jan. 15, 1779.
(See *Gerard* to *Congress*, same date.)
Action as to Commissioners abroad, Jan. 20, 1779.
From *Deane*, Jan. 21, 1779.
(See *Deane* to *Congress*, same date.)
From *Gerard*, Feb. 3, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard*, Feb. 8, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard* (two letters), Feb. 9, 1779.
(See *Gerard* to *Congress*, same date.)
Action of, as to Barbary powers, Feb. 21, 1779.
(See *Barbary Powers*.)
From *Deane*, Feb. 22, 1779.
(See *Deane* to *Congress*, same date.)
Proceedings of, as to peace with Britain, Feb. 23, 27, Mar. 17, 19, 22, 24, May 8, 12, 22, June 3, 17, 19, 24, July 1, 12, 17, 22, 24, 29, 31, Aug. 3, 13, Sept. 9, 11, 17, 25, 28, Oct. 9, 13, 14, 1779.
From *Adams*, Feb. 27, 1779.
(See *Adams* to *Congress*, same date.)
From *Adams*, Mar. 1, 1779.
(See *Adams* to *Congress*, same date.)
From *Gerard*, Mar. 14, 1779.
(See *Gerard* to *Congress*, same date.)
From *Deane*, Mar. 15, 1779.
(See *Deane* to *Congress*, same date.)
From *W. Lee*, Mar. 16, 1779.
(See *W. Lee* to *Congress*, same date.)
From *Gerard*, Mar. 16, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard*, Mar. 17, 1779.
(See *Gerard* to *Congress*, same date.)
From *Deane*, Mar. 29, 1779.
(See *Deane* to *Congress*, same date.)
From *Gerard*, Mar. 31, 1779.
(See *Gerard* to *Congress*, same date.)
From *Deane*, Apr. 2, 1779.
(See *Deane* to *Congress*, same date.)
From *Gerard*, Apr. 6, 1779.
(See *Gerard* to *Congress*, same date.)
From *Deane*, Apr. 17, 1779.
(See *Deane* to *Congress*, same date.)
From *Gerard*, Apr. 24, 1779.
(See *Gerard* to *Congress*, same date.)

CONGRESS—Continued.
From *A. Lee*, Apr. 26, 1779.
(See *A. Lee* to *Congress*, same date.)
From *Deane*, Apr. 26, 1779.
(See *Deane* to *Congress*, same date.)
From *Deane*, Apr. 27, 1779.
(See *Deane* to *Congress*, same date.)
Inefficiency of. *Jay* to *Washington*, Apr. 20, 1779. Introduction, §§ 104, 209.
From *Deane*, Apr. 30, 1779.
(See *Deane* to *Congress*, same date.)
From *Gerard*, May 3, 1779.
(See *Gerard* to *Congress*, same date.)
Equally divided as to recall of Arthur Lee, May 3, 1779. Introduction, §§ 149 *ff.*
From *Gerard*, May 4, 1779.
(See *Gerard* to *Congress*, same date.)
(From *Gerard*, May 6, 1779.)
(See *Gerard* to *Congress*, same date.)
From *Gerard* (two letters), May 9, 1779.
(See *Gerard* to *Congress*, same date.)
From *Deane*, May 12, 1779.
(See *Deane* to *Congress*, same date.)
From *Gerard*, May 19, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard*, May 22, 1779.
(See *Gerard* to *Congress*, same date.)
From *Deane*, May 22, 1779.
(See *Deane* to *Congress*, same date.)
Action of, as to captures on high seas, May 22, 1779.
From *H. Laurens*, May 15, 1779.
(See *H. Laurens* to *Congress*, same date.)
From *Gerard*, May 24, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard*, May 25, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard*, May 27, 1779.
(See *Gerard* to *Congress*, same date.)
From *A. Lee*, May 31, 1779.
(See *A. Lee* to *Congress*, same date.)
From *Franklin*, June 2, 1779.
(See *Franklin* to *Marine Committee*, same date.)
Recalls *Izard*, June 8, 1779.
From *Gerard*, June 21, 1779.
(See *Gerard* to *Congress*, same date.)
From *A. Lee*, June 21, 1779.
(See *A. Lee* to *Congress*, same date.)
From *Gerard* (two letters), July 5, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard*, July 10, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard* (three letters), July 26, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard*, July 28, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard*, July 30, 1779.)
(See *Gerard* to *Congress*, same date.)

CONGRESS—Continued.
Proceedings of, as to French consuls, Aug. 2, 1779.
From *Adams*, Aug. 3, 1779.
(See *Adams* to *Congress*, same date.)
From *Adams*, Aug. 4, 1779.
(See *Adams* to *Congress*, same date.)
From *Gerard* (two letters), Aug. 5, 1779.
(See *Gerard* to *Congress*, same date.)
From *Gerard*, Aug. 11, 1779.)
(See *Gerard* to *Congress*, same date.)
From *Deane*, Aug. 18, 1779.
(See *Deane* to *Congress*, same date.)
Presents sword to *La Fayette*. *Franklin* to *La Fayette*, Aug. 24, 1779. *La Fayette* to *Franklin*, Aug. 29, 1779.
From *A. Lee*, Sept. 10, 1779.
(See *A. Lee* to *Congress*, same date.)
From *Adams*, Sept. 10, 1779.
(See *Adams* to *Congress*, same date.)
From *Gerard*, Sept. 15, 1779.)
(See *Gerard* to *Congress*, same date.)
From *Gerard*, Sept. 15, 1779.
(See *Gerard* to *Congress*, same date.)
From *Adams*, Sept. 23, 1779.)
(See *Adams* to *Congress*, same date.)
From *Franklin*, Oct. 4, 1779..
(See *Franklin* to *Congress* (*Jay*), same date.)
From *Adams*, Oct. 19, 1779.
(See *Adams* to *Congress* (*Huntington*), same date.)
From *Franklin*, Oct. 21, 1779.
(See *Franklin* to *Committee*, same date.)
From *Adams*, Oct. 21, 1779.
(See *Adams* to *Congress*, same date.)
From *Carmichael*, Oct. 25, 1779.
(See *Carmichael* to *Congress*, same date.)
From *Adams*, Nov. 4, 1779.
(See *Adams* to *Congress*, same date.)
From *Adams*, Nov. 7, 1779.
(See *Adams* to *Congress*, same date.)
Reception of *Luzerne* by, Nov. 17, 1779.
From *Luzerne*, Nov. 17, 1779.
(See *Luzerne* to *Congress*, same date.)
From *Deane*, Nov. 23, 1779.
(See *Deane* to *Congress*, same date.)
From *Miralles*, Nov. 24, 1779.
(See *Miralles* to *Congress*, same date.)
From *Luzerne*, Nov. 26, 1779.
(See *Luzerne* to *Congress*, same date.)
From *Luzerne*, Dec. 6, 1779.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, Dec. 11, 1779.
(See *Adams* to *Congress*, same date.)
From *Adams*, Dec. 16, 1779.
(See *Adams* to *Congress*, same date.)
From *Deane*, Dec. 18, 1779.
(See *Deane* to *Congress*, same date.)

CONGRESS—Continued.
From *Jay*, Dec. 20, 1779.
(See *Jay* to *Congress*, same date.)
From *Jay*, Dec. 22, 1779.
(See *Jay* to *Congress*, same date.)
From *Jay*, Dec. 24, 1779.
(See *Jay* to *Congress*, same date.)
From *Jay* (two letters), Dec. 25, 1779.
(See *Jay* to *Congress*, same date.)
From *Jay*, Dec. 26, 1779.
(See *Jay* to *Congress*, same date.)
From *Carmichael*, Dec. 27, 1779.
(See *Carmichael* to *Congress*, same date.)
From *Luzerne*, Jan. 10, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, Jan. 16, 1780.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, Jan. 24, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Luzerne*, Jan. 25, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Jay*, Jan. 27, 1780.
(See *Jay* to *Congress*, same date.)
Conferences with Luzerne, Jan. 28, 1780.
From *Luzerne*, Feb. 2, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, Feb. 15, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Feb. 17, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Feb. 19, 1780.
(See *Adams* to *Congress*, same date.)
From *Carmichael*, Feb. 19, 1780.
(See *Carmichael* to *Congress*, same date.)
From *Adams*, Feb. 20, 1780.
(See *Adams* to *Congress*, same date.)
From *Jay*, Feb. 20, 1780.
(See *Jay* to *Congress*, same date.)
From *Adams*, Feb. 23, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Feb. 25, 1880.
(See *Adams* to *Congress*, same date.)
From *Adams*, Feb. 27, 1780.
(See *Adams* to *Congress*, same date.)
From *Jay*, Feb. 29, 1880.
(See *Jay* to *Congress*, same date.)
From *Adams*, Feb. 29, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Mar. 3, 1780.
(See *Adams* to *Congress*, same date.)
From *Jay* (two letters), Mar. 3, 1780.
(See *Jay* to *Congress*, same date.)
From *Adams*, Mar. 4, 1780.
(See *Adams* to *Congress*, same date.)

CONGRESS—Continued.
From *Adams* (two letters), Mar. 8, 1780.
(See *Adams* to *Congress*, same date.)
From *Franklin*, Mar. 4, 1780.
(See *Franklin* to *Congress*, same date.)
From *Luzerne*, Mar. 8, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, Mar. 10, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Mar. 12, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), Mar. 14, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* Mar. 18, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Mar. 19, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Mar. 20, 1780.
(See *Adams* to *Congress*, same date.)
From *Dumas*, Mar. 21, 1780.
(See *Dumas* to *Congress*, same date.)
From *Adams*, Mar. 23, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), Mar. 24, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Mar. 26, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Mar. 29, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), Mar. 30, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), April 3, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Apr. 4, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Apr. 7, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Apr. 8, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), Apr. 10, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Apr. 11, 1780.
(See *Adams* to *Congress*, same date.)
From *Dumas*, Apr. 11, 1780.
(See *Dumas* to *Congress*, same date.)
From *Adams*, Apr. 14, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Apr. 15, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Apr. 17, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Apr. 18, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Apr. 24, 1780.
(See *Adams* to *Congress*, same date.)

CONGRESS—Continued.
From *Adams*, Apr. 25, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Apr. 26, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Apr. 28, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), Apr. 29, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, May 2, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, May 3, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (four letters), May 8, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, May 9, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, May 10, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, May 11, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, May 13, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, May 16, 1780.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, May 16, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, May 19, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), May 20, 1780.
(See *Adams* to *Congress*, same date.)
From *Dumas*, May 21, 1780.
(See *Dumas* to *Congress*, same date.)
From *Franklin*, May 22, 1780.
(See *Franklin* to *Congress*, same date.)
From *Adams*, May 23, 1780.
(See *Adams* to *Congress*, same date.)
Conference with Luzerne as to approaching campaign, May 24, 1780.
From *Adams*, May 26, 1780.
(See *Adams* to *Congress*, same date.)
From *Jay*, May 26, 1780.
(See *Jay* to *Congress*, same date.)
From *Adams*, May 27, 1780.
(See *Adams* to *Congress*, same date.)
From *Jay* (two letters), May 28, 1780.
(See *Jay* to *Congress*, same date.)
From *Jay*, May 30, 1780.
(See *Jay* to *Congress*, same date.)
From *Franklin*, May 31, 1780.
(See *Franklin* to *Congress*, same date.)
From *Adams* (two letters) June 1, 1780.
(See *Adams* to *Congress*, same date.)
From *Franklin*, June 1, 1780.
(See *Franklin* to *Congress*, same date.)

CONGRESS—Continued.
From *Adams* (two letters), June 2, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, June 4, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, June 5, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, June 10, 1780.
(See *Adams* to *Congress*, same date).
Interview with Luzerne as to coming campaign, June 5, 7, 1780.
From *Adams* (two letters), June 12, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), June 16, 1780.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, June 18, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, June 26, 1780.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, June 28, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, June 29, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), July 6, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), July 7, 1780.
(See *Adams* to *Congress*, same date.)
From *Jay*, July 10, 1780.
(See *Jay* to *Congress*, same date.)
From *Adams*, July 14, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (three letters), July 15, 1780.
(See *Adams* to *Congress*, same date.)
From *Dumas*, July 15, 1780.
(See *Dumas* to *Congress*, same date.)
From *Adams* (two letters), July 19, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, July 22, 1780.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, July 22, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Dumas*, July 22, 1780.
(See *Dumas* to *Congress*, same date.)
From *Adams*, July 23, 1780.
(See *Adams* to *Congress*, same date.)
From *Dumas*, July 25, 1780.
(See *Dumas* to *Congress*, same date.)
From *Luzerne*, July 25, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Luzerne*, July 26, 1780.
(See *Luzerne* to *Congress*, same date.)
Fron *Izard*, Aug. 6, 1780.
(See *Izard* to *Congress*, same date.)
From *Franklin*, Aug. 9, 1780.
(See *Franklin* to *Congress*, same date.)

CONGRESS—Continued.
From *Franklin*, Aug. 10, 1780.
(See *Franklin* to *Congress*, same date.)
From *Dana*, Aug. 10, 1780.
(See *Dana* to *Congress*, same date.)
From *Adams*, Aug. 14, 1780.
(See *Adams* to *Congress*, same date.)
From *Luzerne* (two letters), Aug. 15, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, Aug. 22, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Aug. 23, 1780.
(See *Adams* to *Congress*, same date.)
From *Dana*, Aug. 24, 1780.
(See *Dana* to *Congress*, same date.)
From *Luzerne*, Sept. 1, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, Sept. 4, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Sept. 5, 1780.
(See *Adams* to *Congress*, same date.)
From *Dumas*, Sept. 12, 1780.
(See *Dumas* to *Congress*, same date.)
From *Luzerne*, Sept. 15, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, Sept. 16, 1780.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, Sept. 16, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Jay*, Sept. 16, 1780.
(See *Jay* to *Congress*, same date.)
From *Adams*, Sept. 19, 1780.
(See *Adams* to *Congress*, same date.)
From *Dana*, Sept. 20, 1780.
(See *Dana* to *Congress*, same date.)
From *Adams*, Sept. 24, 1780.
(See *Adams* to *Congress*, same date.)
Conference of, with French minister as to separate peace, Sept. 24, 1780.
From *Adams*, Sept. 25, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Sept. 28, 1780.
(See *Adams* to *Congress*, same date.)
Action of, as to armed neutrality, Oct. 4, 1780.
From *Adams* (two letters), Oct. 5, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Oct. 6, 1780.
(See *Adams* to *Congress*, same date.)
From *A. Lee*, Oct. 7, 1780.
(See *A. Lee* to *Congress*, same date.)
From *Marbois*, Oct. 8, 1780.
(See *Marbois* to *Congress*, same date.)
From *Adams*, Oct. 11, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Oct. 14, 1780.
(See *Adams* to *Congress*, same date.)

CONGRESS—Continued.
From *Adams*, Oct. 24, 1780.
(See *Adams* to *Congress*, same date.)
From *Marbois*, Oct. 27, 1780.
(See *Marbois* to *Congress*, same date.)
From *Adams*, Oct. 27, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Oct 31, 1780.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, Nov. 1, 1780.
(See *Luzerne* to *Congress*, same date.)
From *Jay*, Nov. 6, 1780.
(See *Jay* to *Congress*, same date.)
From *Adams*, Nov. 16, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Nov. 17, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Nov. 25, 1780.
(See *Adams* to *Congress*, same date.)
From *Jay*, Nov. 20, 1780.
(See *Jay* to *Comgress*, same date.)
From *Adams*, Nov. 30, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Dec. 1, 1780.
(See *Adams* to *Congress*, same date.)
From *Franklin*, Dec. 2, 1780.
(See *Franklin* to *Congress*, same date.)
From *Franklin*, Dec. 3, 1780.
(See *Franklin* to *Congress*, same date.)
From *La Fayette*, Dec. 6, 1780.
(See *La Fayette* to *Congress*, same date.)
From *A. Lee*, Dec. 7, 1780.
(See *A. Lee* to *Congress*, same date.)
From *Adams*, Dec. 14, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Dec. 18, 1780.
(See *Adams* to *Congress*, same date.)
From *Dumas*, Dec. 19, 1780.
(See *Dumas* to *Congress*, same date.)
From *Adams*, Dec. 21, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (three letters), Dec. 25, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Dec. 26, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), Dec. 28, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Dec. 30, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Dec. 31, 1780.
(See *Adams* to *Congress*, same date.)
From *Adams*, Jan. 1, 1781.
(See *Adams* to *Congress*, same date.)
From *Laurens*, Jan. 3, 1781.
(See *Laurens* to *Congress*, same date.)

CONGRESS—Continued.
From *Adams*, Jan. 4, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, Jan. 5, 1781.
(See *Adams* to *Congress*, same date.)
Proceedings in; organization of, Foreign Department resolved upon, Jan. 10, 1781.
From *Adams*, Jan. 14, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams* (three letters), Jan. 15, 1781.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, Jan. 15, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, Jan. 18, 1781.
(See *Adams* to *Congress*, same date.)
Answer of, to French minister; expect to have adequate forces in field for ensuing campaign, Jan. 31, 1780.
From *Adams*, Feb. 1, 1781.
(See *Adams* to *Congress*, same date.)
Second conference with French minister, calling, on behalf of Spain, on the United States to speak definitely as to their western boundaries and Florida, Feb. 2, 1780.
From *Laurens*, Feb. 4, 1781.
(See *Laurens* to *Congress*, same date.)
From *Dumas*, Feb. 5, 1781.
(See *Dumas* to *Congress*, same date.)
From *Laurens*, Feb. 7, 1781.
(See *Laurens* to *Congress*, same date.)
Proceedings in; organization of a Department of Finance; resolutions passed that there should be a Secretary of Marine and a Secretary of War, Feb. 7, 1781.
From *W. Lee*, Feb. 10, 1781.
(See *W. Lee* to *Congress*, same date.)
Proceedings in; Robert Morris elected Superintendent of Finance, Feb. 20, 1781.
From *Dumas*, Feb. 22, 1781.
(See *Dumas* to *Congress*, same date.)
From *Luzerne*, Feb. 25, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Luzerne*, Feb. 28, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Luzerne*, Mar. 2, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Dumas*, Mar. 5, 1781.
(See *Dumas* to *Congress*, same date.)
Resolution of, acceding to the principles of neutrality declared by Russia, presented by Adams to the States-General by Vauguyon Van Berckel, Galitzen, Sapherin, and Ehrenswerd. *Adams* to the above, Mar. 8, 1781.
From the *King of France* (two letters), Mar. 10, 1781.
(See *King of France* to *Congress*, same date.)
From *Laurens*, Mar. 11, 1781.
(See *Laurens* to *Congress*, same date.)
From *Franklin*, Mar. 12, 1781.
(See *Franklin* to *Congress*, same date.)
From *Morris*, Mar. 13, 1781.
(See *Morris* to *Congress*, same date.)

CONGRESS—Continued.
Proceedings in; resolutions that it will not be necessary for Morris to dissolve his commercial connections to accept the Superintendency of Finance, and that he have the appointment and removal of clerks. Given as note to *Morris' letter* to *Congress*, Mar. 13, 1781.
From *Adams*, Mar. 18, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, Mar. 19, 1781.
(See *Adams* to *Congress*, same date.)
From *Laurens*, Mar. 20, 1781.
(See *Laurens* to *Congress*, same date.)
From *Jay*, Mar. 22, 1781.
(See *Jay* to *Congress*, same date.)
From *Dumas*, Mar. 22, 1781.
(See *Dumas* to *Congress*, same date.)
From *Dana*, Mar. 24, 1781.
(See *Dana* to *Congress*, same date.)
From *Luzerne*, Mar. 24, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Dana*, Mar. 28, 1781.
(See *Dana* to *Congress*, same date.)
From *Adams* (two letters), Mar. 29, 1781.
(See *Adams* to *Congress*, same date.)
From *Dana*, Mar. 31, 1781.
(See *Dana* to *Congress*, same date.)
From *Dana*, Apr. 2, 1781.
(See *Dana* to *Congress*, same date.)
From *Dana*, Apr. 4, 1781.
(See *Dana* to *Congress*, same date.)
From *Adams*, Apr. 6, 1781.
(See *Adams* to *Congress*, same date.)
From *Laurens*, Apr. 9, 1781.
(See *Laurens* to *Congress*, same date.)
Proceedings in; giving Morris power of appointment, suspension, and removal over persons employed in the Department of Finance, Apr. 21, 27, 1781.
From *Jones*, Apr. 22, 1781.
(See *Jones* to *Congress*, same date.)
From *Laurens*, Apr. 24, 1781.
(See *Laurens* to *Congress*, same date.)
From *Jay*, Apr. 25, 1781.
(See *Jay* to *Congress*, same date.)
From *Dumas*, May 1, 1781.
(See *Dumas* to *Congress*, same date.)
From *Adams*, May 3, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, May 7, 1781.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, May 9, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Dana*, May 13, 1781.
(See *Dana* to *Congress*, same date.)
From *Morris*, May 14, 1781.
(See *Morris* to *Congress*, same date.)

CONGRESS—Continued.
From *Franklin*, May 14, 1781.
(See *Franklin* to *Congress*, same date.)
From *Deane*, May 15, 1781.
(See *Deane* to *Congress*, same date.)
From *Laurens*, May 15, 1781.
(See *Laurens* to *Congress*, same date.)
From *Adams*, May 15, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, May 16, 1781.
(See *Adams* to *Congress*, same date.)
From *Morris*, May 17, 1781.
(See *Morris* to *Congress*, same date.)
From *Dana*, May 20, 1781.
(See *Dana* to *Congress*, same date.)
From *Adams*, May 21, 1781.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, May 22, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Morris*, May 23, 1781.
(See *Morris* to *Congress*, same date.)
From *Adams*, May 24, 1781.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, May 25, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, May 25, 1781.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, May 26, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, May 27, 1781.
(See *Adams* to *Congress*, same date.)
From *Jay*, May 29, 1781.
(See *Jay* to *Congress*, same date.)
From *Adams* (two letters), May 31, 1781.
(See *Adams* to *Congress*, same date.)
From *Morris*, June 4, 1781.
(See *Morris* to *Congress*, same date.)
From *Adams*, June 5, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, June 11, 1781.
(See *Adams* to *Congress*, same date.)
From *Franklin*, June 11, 1781.
(See *Franklin* to *Congress*, same date.)
From *Adams*, June 12, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, June 15, 1781.
(See *Adams* to *Congress*, same date.)
Commissions to mediate and to treat of peace; Huntington, proclamation of, June 15, 1781.
From *Morris*, June 21, 1781.
(See *Morris* to *Congress*, same date.)
From *Adams* (two letters), June 23, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), June 26, 1781.
(See *Adams* to *Congress*, same date.)

CONGRESS—Continued.
From *Adams*, June 27, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, June 29, 1781.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, July 1, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, July 5, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), July 7, 1781.
(See *Adams* to *Congress*, same date.)
From *Marbois*, July 9, 1781.
(See *Marbois* to *Congress*, same date.)
From *Morris*, July 9, 1781.
(See *Morris* to *Congress*, same date.)
From *Adams*, July 10, 1781.
(See *Adams* to *Congress*, same date.)
From *Franklin*, July 11, 1781.
(See *Franklin* to *Congress*, same date.)
From *Adams*, July 11, 1781.
(See *Adams* to *Congress*, same date.)
From *Marbois*, July 11, 1781.
(See *Marbois* to *Congress*, same date.)
From *Adams*, July 14, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, July 15, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, July 17, 1781.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, July 20, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Adams*, July 21, 1781.
(See *Adams* to *Congress*, same date.)
From *Luzerne*, July 26, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Dana*, July 28, 1781.
(See *Dana* to *Congress*, same date.)
From *Morris*, July 30, 1781.
(See *Morris* to *Congress*, same date.)
From *Adams*, Aug. 3, 1781.
(See *Adams* to *Congress* same date.)
From *Adams* (two letters), Aug. 6, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, Aug. 8, 1781.
(See *Adams* to *Congress*, same date.)
From *Carmichael*, Aug. 15, 1781.
(See *Carmichael* to *Congress*, same date.)
From *Adams* (two letters), Aug. 16, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, Aug. 18, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams* (two letters), Aug. 22, 1781.
(See *Adams* to *Congress*, same date.)
From *Dumas*, Aug. 23, 1781.)
(See *Dumas* to *Congress*, same date.)

CONGRESS—Continued.
From *Livingston*, Aug. 25, 1781.
(See *Livingston* to *Congress*, same date.)
From *Morris*, Aug. 28, 1781.
(See *Morris* to *Congress*, same date.)
From *Laurens*, Sept. 2, 1781.
(See *Laurens* to *Congress*, same date.)
From *Laurens*, Sept. 6, 1781.
(See *Laurens* to *Congress*, same date.)
From *Luzerne*, Sept. 7, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Morris*, Sept. 8, 1781.
(See *Morris* to *Congress*, same date.)
From *Luzerne*, Sept. 10, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Franklin*, Sept. 15, 1781.
(See *Franklin* to *Congress*, same date.)
From *Dana*, Sept. 15, 1781.
(See *Dana* to *Congress*, same date.)
From *Luzerne*, Sept. 18, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Jay*, Sept. 20, 1781.
(See *Jay* to *Congress*, same date.)
From *Luzerne*, Sept. 21, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Livingston*, Sept. 23, 1781.
(See *Livingston* to *Congress*, same date.)
Memorial of *F. Rendon* to, Sept. 24, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Luzerne* Sept. 24, 1781.
(See *Luzerne* to *Congress*, same date.)
From *Jay*, Oct. 3, 1781.
(See *Jay* to *Congress*, same date.)
From *Dumas*, Oct. 11, 1781.
(See *Dumas* to *Congress*, same date.)
From *Dana*, Oct. 15, 1781.
(See *Dana* to *Congress*, same date.)
From *Adams* (two letters), Oct. 15, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, Oct. 17, 1781.
(See *Adams* to *Congress*, same date.)
From *Jay*, Oct. 18, 1781.
(See *Jay* to *Congress*, same date.)
Letter of acknowledgment of, to King of France, Oct. 18, 1781.
From *Morris*, Oct. 18, 1781.
(See *Morris* to *Congress*, same date.)
From *Adams*, Oct. 18, 1781.
(See *Adams* to *Congress*, same date.)
From the *King of France*, Oct. 22, 1781.
(See *King of France* to *Congress*, same date.)
From *Adams*, Oct. 25, 1781.
See *Adams* to *Congress*, same date.)
From *Livingston*, Oct. 29, 1781.
(See *Livingston* to *Congress*, same date.)

CONGRESS—Continued.
From *Adams*, Nov. 1, 1781.
(See *Adams* to *Congress*, same date.)
From *Morris*, Nov. 5, 1781.
(See *Morris* to *Congress*, same date.)
From *Franklin*, Nov. 5, 1781.
(See *Franklin* to *McKean*, for Congress, same date.)
From *Livingston*, Nov. 6, 1781.
(See *Livingston* to *Congress*, same date.)
Improvident action of, in drawing without funds. *Franklin* to *Adams*, Nov. 7, 1781.
From *Morris*, Nov. 9, 1781.
(See *Morris* to *Congress*, same date.)
From *Livingston*, Nov. 18, 1781.
(See *Livingston* to *Congress*, same date.)
From *Livingston*, Nov. 25, 1781.
(See *Livingston* to *Congress*, same date.)
From *Morris*, Nov. 29, 1781.
(See *Morris* to *Congress*, same date.)
Congratulations of, to King of France, Nov. 29, 1781.
From *Adams*, Dec. 4, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, Dec. 13, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, Dec. 14, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, Dec. 18, 1781.
(See *Adams* to *Congress*, same date.)
From *Laurens*, Dec. 20, 1781.
(See *Laurens* to *Congress*, same date.)
From *Adams* (two letters), Dec. 25, 1781.
(See *Adams* to *Congress*, same date.)
From *Adams*, Dec. 29, 1781.
(See *Adams* to *Congress*, same date.)
From *Dumas*, Jan. 7, 1782.
(See *Dumas* to *Congress*, same date.)
From *Adams*, Jan. 14, 1782.
(See *Adams* to *Congress*, same date.)
From *Dumas*, Jan. 15, 1782.
(See *Dumas* to *Congress*, same date.)
From *Morris*, Jan. 15, 1782.
(See *Morris* to *Congress*, same date.)
From *Adams*, Jan. 15, 1782.
(See *Adams* to *Congress*, same date.)
From *Adams*, Jan. 16, 1782.
(See *Adams* to *Congress*, same date.)
From *Livingston*, Jan. 18, 1782.
(See *Livingston* to *Congress*, same date.)
From *Livingston*, Jan. 25, 1782.
(See *Livingston* to *Congress*, same date.)
From *Luzerne*, Jan. 28, 1782.
(See *Luzerne* to *Congress*, same date.)
From *Livingston*, Jan. 29, 1782.
(See *Livingston* to *Congress*, same date.)

CONGRESS—Continued.
From *Dumas*, Jan. 30, 1782.
(See *Dumas* to *Congress*, same date.)
From *Franklin*, Feb. 5, 1782.
(See *Franklin* to *Congress*, same date.)
From *Jay*, Feb. 6, 1782.
(See *Jay* to *Congress*, same date.)
Resolutions of, as to need of French loan, Feb. 8, 1782.
From *Morris*, Feb. 11, 1782.
(See *Morris* to *Congress*, same date.)
From *Morris*, Feb. 18, 1782.
(See *Morris* to *Congress*, same date.)
From *Livingston*, Feb. 21, 1782.
(See *Livingston* to *Congress*, same date.)
From *Livingston*, Feb. 23, 1782.
(See *Livingston* to *Congress*, same date.)
From *Livingston*, Feb. 26, 1782.
(See *Livingston* to *Congress*, same date.)
From *Luzerne*, Mar. 8, 1782.
(See *Luzerne* to *Congress*, same date.)
From *Morris*, Mar. 9, 1782.
(See *Morris* to *Congress*, same date.)
From *Deane*, Mar. 17, 1782.
(See *Deane* to *Congress*, same date.)
From *Morris*, May 4, 1782.
(See *Morris* to *Congress*, same date.)
In reply to merchants of Philadelphia, May 4, 1782.
From *Livingston*, May 8, 1782.
(See *Livingston* to *Congress*, same date.)
From *Morris*, May 8, 1782.
(See *Morris* to *Congress*, same date.)
From *Livingston*, May 9, 1782.
(See *Livingston* to *Congress*, same date.)
From *Morris*, May 10, 1782.
(See *Morris* to *Congress*, same date.)
From *Livingston* (two letters), May 13, 1782.
(See *Livingston* to *Congress*, same date.)
From *Livingston* (two letters), May 15, 1782.
(See *Livingston* to *Congress*, same date.)
From *Morris*, May 17, 1782.
(See *Morris* to *Congress*, same date.)
From *Livingston*, May 21, 1782.
(See *Livingston* to *Congress*, same date.)
From *Morris*, May 23, 1782.
(See *Morris* to *Congress*, same date.)
From *Morris*, May 27, 1782.
(See *Morris* to *Congress*, same date.)
From *Laurens*, May 30, 1782.
(See *Laurens* to *Congress*, same date.)
Resolves as to fidelity to French alliance, May 31, 1782.
From *Morris*, May 31, 1782.
(See *Morris* to *Congress*, same date.)
From *Livingston*, June 5, 1782.
(See *Livingston* to *Congress*, same date.)
Congratulates King of France on Dauphin's birth, June 13, 1780.

CONGRESS—Continued.
From *Morris*, July 29, 1782.
(See *Morris* to *Congress*, same date.)
From *Morris*, July 30, 1782.
(See *Morris* to *Congress*, same date.)
Action of, as to fisheries and western boundaries, Aug. 20, 1782.
From *Livingston*, Aug. 23, 1782.
(See *Livingston* to *Congress*, same date.)
From *Luzerne*, Sept. 1, 1782.
(See *Luzerne* to *Congress*, same date.)
From *Laurens*, Sept. 5, 1782.
(See *Laurens* to *Congress*, same date.)
From *Livingston*, Sept. 9, 1782.
(See *Livingston* to *Congress*, same date.)
From *Morris*, Sept. 9, 1782.
(See *Morris* to *Congress*, same date.)
Orders an account of British spoliations to be sent to ministers abroad, Sept. 10, 1782.
From *Livingston*, Sept. 11, 1782.
(See *Livingston* to *Congress*, same date.)
From *Livingston* (three letters), Sept. 12, 1782.
(See *Livingston* to *Congress*, same date.)
Action of, as to appropriation of funds obtained in Europe, Sept. 14, 1782.
From *Luzerne*, Sept. 23, 1782.
(See *Luzerne* to *Congress*, same date.)
Pledges fidelity to France; action of, as to fisheries and Mississippi Valley, Oct. 3, 4, 1782.
From *Luzerne*, Oct. 16, 1782.
(See *Luzerne* to *Congress*, same date.)
From *Morris*, Oct. 21, 1782.
(See *Morris* to *Congress*, same date.)
From *Washington*, Oct. 25, 1782.
(See *Washington* to *Congress*, same date.)
From *Luzerne*, Oct. 28, 1782.
(See *Luzerne* to *Congress*, same date.)
From *Livingston*, Oct. 29, 1782.
(See *Livingston* to *Congress*, same date.)
From *Livingston*, Dec. 2, 1782.
(See *Livingston* to *Congress*, same date.)
From *La Fayette*, Dec. 3, 1782.
(See *La Fayette* to *Congress*, same date.)
From *Livingston*, Dec. 9, 1782.
(See *Livingston* to *Congress*, same date.)
From *Morris*, Dec. 12, 1782.
(See *Morris* to *Congress*, same date.)
From *Livingston*, Dec. 22, 1782.
(See *Livingston* to *Congress*, same date.)
From *Luzerne*, Dec. 26, 1782.
(See *Luzerne* to *Congress*, same date.)
From *Livingston*, Dec. 30, 1782.
(See *Livingston* to *Congress*, same date.)
From *Luzerne*, Dec. 31, 1782.
(See *Luzerne* to *Congress*, same date.)
From *Luzerne*, Jan. 24, 1783.
(See *Luzerne* to *Congress*, same date.)

CONGRESS—Continued.
From *La Fayette*, Feb. 5, 1783.
(See *La Fayette* to *Congress*, same date.)
From *Livingston*, Feb. 18, 1783.
(See *Livingston* to *Congress*, same date.)
From *Livingston*, Feb. 26, 1783.
(See *Livingston* to *Congress*, same date.)
From *Morris*, Feb. 26, 1783.
(See *Morris* to *Congress*, same date.)
From *Morris*, Mar. 8, 1783.
(See *Morris* to *Congress*, same date.)
From *Morris*, Mar. 10, 1783.
(See *Morris* to *Congress*, same date.)
From *Livingston*, Mar. 13, 1783.
(See *Livingston* to *Congress*, same date.)
From *Morris*, Mar. 17, 1783.
(See *Morris* to *Congress*, same date.)
From *Livinsgton*, Mar. 18, 1783.
(See *Livingston* to *Congress*, same date.)
From *Livingston*, Mar. 21, 1783.
(See *Livingston* to *Congress*, same date.)
From *Livingston*, Mar. 28, 1783.
(See *Livingston* to *Congress*, same date.)
From *City of Hamburg*, Mar. 29, 1783.
(See *City of Hamburg* to *Congress*, same date.)
From *Livingston* (two letters), Apr. 10, 1783.
(See *Livingston* to *Congress*, same date.)
From *Morris*, Apr. 14, 1783.
(See *Morris* to *Congress*, same date.)
From *Livingston*, Apr. 21, 1783.
(See *Livingston* to *Congress*, same date.)
From *Morris*, Apr. 23, 1783.
(See *Morris* to *Congress*, same date.)
From *Morris*, May 1, 1783.
(See *Morris* to *Congress*, same date.)
From *Morris*, May 3, 1783.
(See *Morris* to *Congress*, same date.)
From *Livingston*, May 9, 1783.
(See *Livingston* to *Congress*, same date.)
From *Laurens*, May 13, 1783.
(See *Laurens* to *Congress*, same date.)
From *Morris*, May 15, 1783.
(See *Morris* to *Congress*, same date.)
From *Livingston*, May 21, 1783.
(See *Livingston* to *Congress*, same date.)
From *Livingston*, June 2, 1783.
(See *Livingston* to *Congress*, same date.)
Inefficiency of, arising from small attendance and other causes. ***Madison*** to ***Jefferson***, June 10, 1783. See Introduction, §§4, 209.
Mode of receiving foreign ministers of; resolution, June 12, 1783.
From *Livingston*, June 14, 1783.
(See *Livingston* to *Congress*, same date.)
From *Morris*, July 13, 1783.
(See *Morris* to *Congress*, same date.)

CONGRESS—Continued.
From *Morris*, July 18, 1783.
(See *Morris* to *Congress*, same date.)
From *La Fayette*, July 20, 1783.
(See *La Fayette* to *Congress*, same date.)
From *Morris*, July 28, 1783.
(See *Morris* to *Congress*, same date.)
From *Morris*, July 31, 1783.
(See *Morris* to *Congress*, same date.)
From *Morris*, Aug. 1, 1783.
(See *Morris* to *Congress*, same date.)
From *Franklin*, Aug. 31, 1783.
(See *Franklin* to *Congress*, same date.)
From *Adams*, Sept. 1, 1783.
(See *Adams* to *Congress*, same date.)
From *Adams*, Sept. 5, 1783.
(See *Adams* to *Congress*, same date.)
From *La Fayette*, Sept. 7, 1783.
(See *La Fayette* to *Congress*, same date.)
From *Adams* (two letters), Sept. 8, 1783.
(See *Adams* to *Congress*, same date.)
From *Adams*, *Franklin*, and *Jay*, Sept. 10, 1783.
(See *Adams*, *Franklin*, and *Jay* to *Congress*, same date.)
From *Adams*, Sept. 10, 1783.
(See *Adams* to *Congress*, same date.)
From *Franklin*, Sept. 13, 1783.
(See *Franklin* to *Congress*, same date.)
From *Luzerne*, Sept. 17, 1783.
(See *Luzerne* to *Congress*, same date.)
From *Franklin*, Sept. 27, 1783.
(See *Franklin* to *Congress*, same date.
Instructions of, to the Peace Ministers at Paris to negotiate commercial treaties with foreign powers, making reciprocity the basis; to settle claims on Denmark; to inquire into the accounts of the *Alliance* and the *Bon Homme Richard*; to decline to enter into the armed neutrality; to call Carmichael to Paris unless required at Madrid; definitive treaty ratified. *Proceedings*, Oct. 29, 1783.
From *Franklin*, Nov. 1, 1783.
(See *Franklin* to *Congress*, same date.)
From *Luzerne*, Nov. 2, 1783.
(See *Luzerne* to *Congress*, same date.)
From *Dana*, Dec. 17, 1783.
(See *Dana* to *Congress*, same date.)
From *Franklin*, Dec. 25, 1783.
(See *Franklin* to *Congress*, same date.)
From *Franklin*, Dec. 26, 1783.
(See *Franklin* to *Congress*, same date.)
From *La Fayette*, Dec. 26, 1783.
(See *La Fayette* to *Congress*, same date.)
From *Morris*, Jan. 13, 1784.
(See *Morris* to *Congress*, same date.)
From *Morris*, Jan. 16, 1784.
(See *Morris* to *Congress*, same date.)
From *Morris*, Jan. 21, 1784.
(See *Morris* to *Congress*, same date.)

CONGRESS—Continued.
From *Morris*, Jan. 24, 1784.
(See *Morris* to *Congress*, same date.)
From *Luzerne*, Jan. 30, 1784.
(See *Luzerne* to *Congress*, same date.)
From *Morris*, Feb. 2, 1784.
(See *Morris* to *Congress*, same date.)
From *Adams*, Mar. 2, 1784.
(See *Adams* to *Congress*, same date.)
From *Adams*, Mar. 9, 1784.
(See *Adams* to *Congress*, same date.)
From *Morris*, Mar. 17, 1784.
(See *Morris* to *Congress*, same date.)
From *Luzerne*, Apr. 6, 1784.
(See *Luzerne* to *Congress*, same date.)
From *Luzerne* Apr. 9, 1784.
(See *Luzerne* to *Congress*, same date.)
From *Luzerne*, Apr. 21, 1784.
(See *Luzerne* to *Congress*, same date.)
From *Laurens*, Apr. 24, 1784.
(See *Laurens* to *Congress*, same date.)
From *Luzerne*, Apr. 28, 1784.
(See *Luzerne* to *Congress*, same date.)
From *Laurens*, Apr. 30, 1784.
(See *Laurens* to *Congress*, same date.)
From *Luzerne*, May 6, 1784.
(See *Luzerne* to *Congress*, same date.)
From *Morris*, May 6, 1784.
(See *Morris* to *Congress*, same date.)
From *Franklin*, May 12, 1784.
(See *Franklin* to *Congress*, same date.)
From *Franklin*, June 16, 1784.
(See *Franklin* to *Congress*, same date.)
From *Adams*, June 22, 1784.
(See *Adams* to *Congress*, same date.)
From *Jay*, July 25, 1784.
(See *Jay* to *Congress*, same date.)
From *Charles, King of Spain*, Sept. 25, 1784.
(See *Charles, King of Spain*, to *Congress*, same date.)
From *Morris*, Sept. 30, 1784.
(See *Morris* to *Congress*, same date.)
From *Morris*, Sept. 30, 1784.
(See *Morris* to *Congress*, same date.)
From *Florida Blanca*, Oct. 8, 1784.
(See *Florida Blanca* to *Congress*, same date.)
From *Carmichael*, Oct. 12, 1784.
(See *Carmichael* to *Congress*, same date.)
From *Morris*, Nov. 1, 1784.
(See *Morris* to *Congress*, same date.)
"CONSTRUCTIVE" SCHOOL OF REVOLUTIONARY STATESMEN as distinguished from the merely "liberative." Introduction, §§ 2, 209.
CONSUL AT NANTES. Importance of. *Adams* to *Congress*, June 29, 1780.
CONSUL AT LEGHORN. Application for. *Adams* to *Livingston*, Mar. 2, 1783.
CONSULS (see *Commercial agents*)—
In the United States. Appointment of Gerard as. *Louis XVI* to *Congress*, Mar. 28, 1778.

CONSULS—Continued.
Provisions for appointment of. *Commissioners* to *Congress*, July 29, 1778.
Appointment of, in Congress. *Franklin* to *Lloyd*, Feb. 6, 1779.
Functions of. *Franklin* to *Vergennes*, Sept. 7, 1780.
System as to, proposed. *Luzerne* to *Congress*, July 26, 1781.
Duties of. *Livingston* to *R. Smith*, Feb. 26, 1782.
Should ordinarily be citizens. *Adams* to *Livingston*, Mar. 2, 1783.
(See *Jay* to *Congress*, Mar. 3, 1780.)
Proceedings of Congress as to French, Aug. 2, 1779.
Action of Congress as to French, Mar. 16, 1784.
(See *Luzerne* to *Congress*, May 6, 1784.)
CONTRABAND, questions as to, arising in the Revolution. *Ibid.*, §§ 100, 102.
CONVOYS, American—
Difficulty in obtaining. *Committee*, etc., to *Commissioners*, Feb. 19, 1777.
Promise of. *Commissioners* to *Committee*, Dec. 18, 1777.
CONWAY—
His opposition to Washington. Introduction, § 11.
Commendation of. *Deane* to *Committee*, etc., Nov. 29, 1776.
CONYNGHAM. (See *Cunningham.*)
COOK, Captain. Circular letter respecting. *Franklin* to "*all captains*," etc., Mar. 10, 1779.
COOPER—
From *Franklin*, May 1, 1777.
(See *Franklin* to *Cooper*, same date.)
From *Franklin*, Dec. 11, 1777.
(See *Franklin* to *Cooper*, same date.)
From *Franklin*, Oct. 27, 1779.
(See *Franklin* to *Cooper*, same date.)
From *Adams*, Feb. 28, 1780.
(See *Adams* to *Cooper*, same date.)
From *Franklin*, March 16, 1780.
(See *Franklin* to *Cooper*, same date.)
From *Franklin*, Nov. 7, 1780.
(See *Franklin* to *Cooper*, same date.)
From *Vernon*, Nov. 27, 1780.
(See *Vernon* to *Cooper*, same date.)
From *Franklin*, June 28, 1782.
(See *Franklin* to *Cooper*, same date.)
From *Franklin*, Dec. 26, 1782.
(See *Franklin* to *Cooper*, same date.)
CORNEY. (French commissary.) Authority given to. *Congress*, June 5, 7, 1780.
CORNWALLIS—
His disappointment at failure of loyalist support. Introduction, § 22.
Desertion of loyalists by, at Yorktown. *Ibid.*, § 24.
Surrender of, with nearly seven thousand men, including seamen, and "about one hundred vessels, above fifty of them square-rigged"; weakening of opposition to independence. *Livingston* to *Dana*, Oct. 22, 1781; *Livingston* to *Clinton*, Oct. 22, 1781.
Celebration of surrender of at Philadelphia. *Morris* to *Luzerne*, Nov. 3, 1781 (note).
Franklin's reflections on surrender of. *Franklin* to *Adams*, Nov. 26, 1781.
Exchange of. *Franklin* to *Livingston*, June 29, 1782.
How far his proclamation as to hanging prisoners made him an outlaw. *Franklin* to *La Fayette*, July 24, 1782.
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CORRESPONDENCE—
Committee chosen for carrying on, with friends in Europe. *Secret Journals* of *Congress*, Nov. 29, 1775. (See *Congress, Committee.*)
Diplomatic, in Revolution; difficulty in maintaining. Introduction, § 105.
Failure to keep up, on the part of Congress dangerous to American interests in France. *Deane* to *Committee*, Oct. 1, 1776.
Diplomatic, in Europe; intercepted, opened, and suppressed. *Jay* to *Thomson*, Apr. 29, 1781.
CORRUPTION. Attempts at, by British Government. Introduction, §§ 7, 30.
COUDRAY—
Notice of. Introduction, § 82.
Will embark Oct. 1; his demands. *Deane* to *Committee*, etc., Aug. 18, 1776.
Recommendation and services of. *Deane* to *Committee*, etc., Nov. 6, 28, 1776.
Objections to his course in delaying the *Amphitrite*. *Deane* to *Committee*, Jan. 20, 1777.
Explanations of. *Franklin* and *Deane* to *Committee*, Feb. 6, 1777.
Introduction of. *Commissioners* to *Congress*, Feb. 6, 1777.
His memorial to Congress for relief. *Lovell* to *Washington*, July 24, 1777.
Claims of, discussed. *Committee* to *Commissioners*, Dec. 1, 1777.
COUNCIL, British. Orders of, as to seizure of Dutch vessels. *Adams* to *Congress*, Jan. 1, 1776.
Orders unfriendly to the United States. Introduction, §§ 31, 32.
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COUNCIL OF MASSACHUSETTS. From *Franklin*, June 4, 1779.
(See *Franklin* to *Council of Massachusetts*, same date.)
COURTESY essential to diplomatic intercourse. Introduction, § 15.
COUTEULX to *Jay*. Treatment of American seamen, July 4, 1780.
COUTEULX—
From *Morris*, June 8, 1781.
(See *Morris* to *Couteulx & Co.*, same date.)
From *Morris*, Aug. 26, 1781.
(See *Morris* to Messrs. *Couteulx & Co.*, same date.)
From *Morris*, May 18, 1782.
(See *Morris* to *Couteulx & Co.*, same date.)
From *Morris*, Sept. 24, 1782.
(See *Morris* to *Couteulx & Co.*, same date.)
From *Morris*, Sept. 27, 1782.
(See *Morris* to *Couteulx & Co.*, same date.)
From *Morris*, Jan. 13, 1784.
(See *Morris* to *Couteulx & Co.*, same date.)
From *Morris*, Feb. 12, 1784.
(See *Morris* to *Couteulx & Co.*, same date.)
COWPER'S CASE, *Morris* to *Congress*, Jan. 13, 1784.
CREDIT. Length of, in business. *Deane* to *Beaumarchais*, July 20, 1776.
CREDIT OF UNITED STATES ABROAD. *Franklin* to *Congress*, May 31, 1780.
(See *Loans, Franklin.*)
CREDIT OF SEVERAL EUROPEAN NATIONS, the. *Carmichael* to *Committee*, etc., Nov. 2, 1776; *Deane* to *Committee*, etc., Dec. 1, 1776.
CREVECŒUR, appointed French consul for Connecticut, New York, and New Jersey. *Congress*, Mar. 16, 1784.
CROCCO to *Franklin*. Emperor of Morocco willing to conclude a treaty with United States; orders given not to attack ships of United States on open seas; United States embassador to meet Crocco in Paris and go to Morocco to sign treaty; custom of European nations to pay expenses of embassadors from Emperor of Morocco; July 15, 1783.

CROCCO—Continued.
To *Franklin*. Will return to Barbary unless answer to letter of July 15 and $1,500 is received; fears that his return without a treaty having been negotiated will set Emperor of Morocco against the United States, Nov. 25, 1783.
From *Franklin*, Dec. 15, 1783.
(See *Franklin* to *Crocco*, same date.)
CROMWELL, impossibility of, in the United States. Introduction, § 8.
CRUELTY. British in war.
(See Introduction, §§ 22, 24: *index*, title *Britain*.)
CUMBERLAND—
British envoy at Madrid. *Carmichael* to *Congress*, July 17, 1780; *Adams* to *Congress*, July 23, 1780.
Continued stay of, at Madrid. *Carmichael* to *Congress*, Aug. 22, 1780; Sept. 9, 1780. *Adams* to *Congress*, Aug. 23, 1780; *Dana* to *Adams*, Sept. 8, 1780.
Continues at Madrid. *Carmichael* to *Committee*, Sept. 25, 1780.
Spanish minister's account of mission of. *Jay* to *Congress*, Nov. 6, 1780.
Continues at Madrid, spending much money. *Carmichael* to *Committee*, Nov. 28, 1780; *Jay* to *Congress*, Nov. 30, 1780.
His intrigues at Madrid. *Carmichael* to *Livingston*, Dec. 24, 1781.
Working to injure America. *Carmichael* to *Committee*, Jan. 29, 1781.
Demands a passport. *Carmichael* to *Committee*, Feb. 22, 1781.
About to leave Spain for home. *Carmichael* to *Committee*, Mar. 11, 1781.
About to leave Spain. *Jay* to *Congress*, Mar. 22, 1781.
Dangerously ill at Bayonne, but his influence has been injurious to America. *Carmichael* to *Franklin*, April 20, 1781.
His visit (now closed) to Madrid one of mutual deceit. *Jay* to *Congress*, Apr. 25, 1781.
The unique character of his mission to Spain. *Luzerne* to *Congress*, May 28, 1781.
Position in Spain. *Luzerne* to *Congress*, June 18, 1781.
CUNNINGHAM (American captain). Arrest of, for breach of neutrality at Dunkirk. *Commissioners* to *Committee*, May 25, 1777 (and note), May 26, 1777.
Adventures of. *Deane* to *Morris*, Aug. 23, 1777; *Franklin* to *Grand*, Oct. 14, 1778.
Difficulties as to. *A. Lee* to *Committee*, Nov. 15, 1778.
Measures taken for his release. *Franklin* to *Nesbit*, Sept. 29, 1779.
His probable exchange; difficulties as to wages and prize money. *Franklin* to *Sartine*, Oct. 19, 1779; *Franklin* to *Le Brun*, Oct. 25, 1779.
Friendly references to. *Franklin* to *Grand*, Oct. 14, Nov. 3, 1778.
His second capture and imprisonment in England. *Franklin* to *Coffin*, Mar. 23, 1781.
(See *Franklin* to *Cunningham*, Feb. 6, 1781.)
His release and duties on his return. *Franklin* to *Cunningham*, June 20, 1781, Feb. 6, 1782.
CURRENCY, AMERICAN—
Intention of British ministry to depreciate, by distributing forgeries. *A. Lee* to *Colden*, Feb. 14, 1776.
Depreciation of, in the United States. *Morris* to *Commissioners*, Dec. 21, 1776.
Further depreciation of. *Vergennes* to *Adams*, June 21, 1780; *Adams* to *Vergennes*, June 22, 1780; *Franklin* to *Congress*, June 26, 1780.
See also *Vergennes* to *Franklin*, June 29, 1780; *Vergennes* to *Adams*, June 29, 1780; *Morris* to *Congress*, Jan. 15, 1882.
CURSON. Arrest of, at Eustatia. *Lovell* to *Franklin*, May 9, 1781.
CURSON AND GOUVERNEUR. Inquiries as to. *Adams* to *Congress*, Aug. 6, 1781.
CURWEN—
His position in the civil war. Introduction, §197.
His views as to British atrocities. *Ibid.*, § 22.

Cushing—
From *Franklin*, Feb. 21, 1778.
(See *Franklin* to *Cushing*, same date.)
From *Franklin*, May 1, 1777.
(See *Franklin* to *Cushing*, same date.)
Custine. See Introduction, § 78.
Dalrymple, Sir J., notice of. *Franklin* to *Carmichael*, Jan. 7, 1780.
Damas. See Introduction, § 78.
Dana, Francis—
Congressional services. Introduction, § 168.
Mission to Russia. *Ibid.*, § 169.
His subsequent career. *Ibid.*, § 170.
His attitude as to Russia. *Ibid.*, § 92.
His isolated and humiliating position at St. Petersburg. *Ibid.*, § 95.
Secretary to Adams, on first proposed peace negotiation. *Adams* to *Congress*, Jan. 16, 1780.
To *Adams*. As to his own health; position of Spain, Sept. 8, 1780.
To *Congress*. Arrival at Amsterdam; confers with Adams; thinks there should be a minister to Holland, Sept. 20, 1780.
To *Jackson*. Giving account of the capture and use by Britain of the Laurens papers, Nov. 11, 1780.
Instructions to, from Congress, Dec. 19, 1780.
(See *Congress* to *Dana*, same date.)
To *Adams*. Arrival at Paris; views of Dutch politics; reports the disloyal utterances of Deane, Jan. 1, 1781.
From *Adams*, Jan. 18, 1781.
(See *Adams* to *Dana*, same date.)
From *Adams*, Feb. 8, 1781.
(See *Adams* to *Dana*, same date.)
To *Committee*. Goes to Paris; instructions received; loan not obtained; resolutions of Congress upon the declaration of the Empress of Russia not received, Feb. 16, 1781.
From *Adams*, Mar. 12, 1781.
(See *Adams* to *Dana*, same date.)
Declines examination of accounts of Franklin and Deane. *Franklin* to *Congress*, Mar. 12, 1781.
To *Congress*. Commission as minister to St. Petersburg received and accepted; information as to his position and salary asked; advised by Franklin to communicate his commission to Vergennes, and obtain permission of Russia to go to that Court; objection to asking this permission, Mar. 24, 1781.
To *Franklin*. Agrees to his objections to communicating his mission to Court of Russia; will pass through Holland and consult with Adams; good effect of Maryland's accession to the Confederation, Mar. 28, 1781.
To *Vergennes*. Communicating his appointment as minister to Russia, and asking the influence of France; will appear as a private citizen until certain of a favorable reception, Mar. 31, 1781.
To *Congress*. Has communicated to Vergennes his commission as minister to Russia; departure delayed for answer, Mar. 31, 1781.
From *Vergennes*, Apr. 1, 1781.
(See *Vergennes* to *Dana*, same date.)
To *Vergennes*. Will wait on him for an interview, Apr. 2, 1781.
To *Congress*. Vergennes' letter; apprehensive that Vergennes will put obstacles in the way of his departure for Russia; will consult with Adams, Apr. 2, 1781.
To *Congress*. Account of interview with Vergennes; Vergennes advises him to inform the Russian minister at The Hague of his intentions; resolutions of Congress well received in Russia, Apr. 4, 1781.

DANA, FRANCIS—Continued.

To *Franklin.* Asks Franklin's sentiments and his opinion as to Vergennes' upon his mission to Russia; will ask the same of Adams; leaves Sunday for Holland, Apr. 6, 1781.

From *Franklin,* Apr. 7, 1781.

(See *Franklin* to *Dana,* same date.)

To *Adams.* Requests advice with regard to his mission to Russia, Apr. 18, 1781.

To *Jennings,* asking him to go to St. Petersburg, Apr. 26, 1781.

From *Adams,* Apr. 18, 1781. Advice as to conduct in his mission to Russia.

(See *Adams* to *Dana,* same date.)

From *Jennings,* May 3, 1781.

(See *Dana* to *Jennings,* same date.)

From *Franklin,* May 11, 1781.

(See *Franklin* to *Dana,* same date.)

To *Congress.* Reports progress on his journey; has appointed Edmund Jennings as an associate, May 13, 1781.

Appointment of, to Russia considered premature by France; he would not be received by the Empress, and this would be a triumph to England.

(See *Luzerne* to *Congress,* May 28, 1781.)

To *Congress.* At Berlin on his way to Russia; views on European politics, July 28, 1781.

To *Adams.* Has arrived at St. Petersburg, but has no encouragement from the French minister or from any other quarter as to his reception; is ignorant of the condition of mediation, Aug. 28, 1781.

From *Verac,* Aug. 30, 1781.

(See *Verac* to *Dana,* same date.)

To *Verac.* Stating his arrival and his instructions to communicate to Verac as French minister; his application to be received as American minister, Sept. 1, 1781.

From *Verac.* Saying that it is doubtful, in view of the pending mediation, whether Dana could be received, and asking him to consider the question before he claims reception, Sept. 2, 1781.

To *Verac.* Dissenting from Verac's opinion as to his reception, and giving reasons to show that Verac was wrong, Sept. 4, 1781.

From *Verac.* Pointing out the mistake made by Dana as to the mediation agreement, and repeating his opinion that an application for reception at Court would be refused, Sept. 12, 1781.

To *Verac.* Regrets that his incapacity as to French and Verac's as to English interfere with their correspondence; will delay for a while presenting himself to the Russian Court, Sept. 13, 1781.

To *Congress.* Dissents from position of *Verac;* thinks that he will have no aid from France in pressing for reception; views as to mediation; will wait, however, till France and Spain are heard from, Sept. 15, 1781.

The object of France was to save him from the humiliation of a certain repulse. *Luzerne* to *Congress,* Sept. 21, 1781.

To *Livingston.* Mentioning article in French draught treaty with Russia, Oct. 1, 1781.

To *Congress.* Giving his views of the armed neutrality and of the project of mediation started by the imperial courts, Oct. 15, 1781.

From *Livingston,* Oct. 22, 1781.

(See *Livingston* to *Dana,* same date.)

To *Ellery.* Attitude of Russian Court, Jan. 17, 1782.

From *Livingston.* Is not to assume a public character unless his reception is certain; instructions as to position he is to take, Mar. 3, 1782.

To *Livingston.* View of public affairs, Mar. 5, 1782.

DANA, FRANCIS—Continued.
From *Adams*, Mar. 15, 1782.
(See *Adams* to *Dana*, same date.)
To *Livingston*. Foreign political affairs, Mar. 30, 1782.
To *Adams*. Affairs in Russia, Apr. 23, 1782.
Estimate of his expenses. *Livingston* to *Congress*, May 8, 1782.
From *Livingston*. Instructed not to press mission on the Russian Court, and to follow the advice in this respect of Franklin and the French minister, May 10, 1782.
From *Adams*, May 13, 1782.
(See *Adams* to *Dana*, same date.)
From *Livingston*, May 22, 1782.
(See *Livingston* to *Dana*, same date.)
From *Livingston*, May 29, 1782.
(See *Livingston* to *Dana*, same date.)
To *Livingston*. Position of Russia as to American trade, June 28, 1782.
To *Livingston*. Position of, in Russia, Aug. 30, 1782; his attitude at St. Petersburg; position of Russia as to neutral rights; fee necessary for ministers to pay on receptions; salary; precedency among ministers, Sept. 5, 1782.
From *Adams*, Sept. 17, 1782.
(See *Adams* to *Dana*, same date.)
From *Livingston*, Sept. 18, 1782.
(See *Livingston* to *Dana*, same date.)
To *Livingston*. Russia will take no steps towards recognition that would offend England, Sept. 23, 1782.
To *Livingston*. As to Russian commerce and politics, Sept. 29, 1782.
From *Adams*, Oct. 10, 1782.
(See *Adams* to *Dana*, same date.)
To *Livingston*. Not likely that Russia will take part in the war; Russian ministry has become anti-Gallican, and tries to induce Holland to make a separate peace with Britain, Oct. 14, 1782.
To *Adams*. Suspects France of seeking by a commercial treaty with Russia to give a preference to Russian goods over the United States, Oct. 15, 1782.
To *Livingston*. Refers to interested adverse motives in France; notices benefits which might accrue to Russia from commerce with the United States, Nov. 1, 1782.
From *Livingston*, Nov. 7, 1782.
(See *Livingston* to *Dana*, same date.)
From *Adams*, Nov. 8, 1782.
(See *Adams* to *Dana*, same date.)
To *Livingston*. Delay in presentation of his credentials, Nov. 18, 1782.
From *Adams*, Dec. 6, 1782.
(See *Adams* to *Dana*, same date.)
From *Adams*, *Franklin*, and *Jay*. Advising him to give notice of his mission, Dec. 12, 1782.
From *Livingston*, Dec. 17, 1782.
(See *Livingston* to *Dana*, same date.)
To *Livingston*. Armed neutrality; reasons why he should present his credentials, Dec. 21, 1782.
To *Livingston*. Proposes to leave Russia as soon as he is received at Court and commercial treaty signed; complains of reduction of his salary, Dec. 27, 1782.
To *Livingston*. Will not at once press for reception at Court; both treaties will cost us between £9,000 and £10,000, Dec. 30, 1782.
To *Livingston*. Inclosing note of treaty between Russia and Denmark, Jan. 3, 1783.

DANA, FRANCIS—Continued.
To *Commissioners*. Explaining his position, Jan 14, 1783.
To *Adams*. No expectation of immediate reception at Court, Jan. 15, 1783.
To *Livingston*. Has received copy of preliminary treaty of peace, but is advised by French minister to wait before presenting himself until the Court is officially notified of peace; difficulties between Turkey and Russia, Jan. 15, 1783.
To *Livingston*. Proposes to return home when peace is settled, Jan. 31, 1783.
To *Livingston*. As to commercial treaty, Feb. 10, 1783.
To *Livingston*. Postpones his application for reception, Feb. 25, 1783.
His continuance in Russia no longer desirable. *Livingston* to *Congress*, Feb. 26, 1783.
(See *Madison* and *Hamilton* to same effect. Introduction, § 4.
To *Livingston*. Has communicated his mission to the vice-chancellor "without being advised" to this by the French minister, but after "assurances directly from the private cabinet of her imperial majesty that the way was perfectly clear," Mar. 7, 1783.
To *Ostermann*. Stating his mission, Mar. 7, 1783.
To *Livingston*. His reception postponed on account of "Lent," Mar. 12, 1783.
To *Adams*. Admires Adams' independence of character; can not, however, take Adams' advice as to offering a commercial treaty, etc., to Russia; can not get an answer even as to his reception at Court; immense taxes imposed on all treaties, Mar. 16, 1783.
To *Livingston*. Is still without an answer to his application to be received; can not afford to remain in Russia on salary allotted, Mar. 22, 1783.
To *Livingston*. Again applies, but without answer, Apr. 17, 1783.
To *Livingston*. Appeals again to vice-chancellor, giving reasons why he should be received, Apr. 22, 1783.
To *Livingston*. Empress refuses to receive him until definitive treaty, and not then except on a new commission, Apr. 25, 1783.
From *Livingston*. Directing his return, and saying that he has no power to sign a commercial treaty; the United States do not offer presents to foreign officials, May 1, 1783.
From *Adams*, May 1, 1783.
(See *Adams* to *Dana*, same date.)
To *Livingston*. Can get no further answer from the Russian vice-chancellor; considers the refusal to receive him without fresh powers unreasonable, May 2, 1783.
To *Ostermann*. Remonstrating with the latter's request for fresh powers, and giving additional reasons why the Empress, "whose glorious reign and eminent virtues have so long fixed the attention and commanded the applause of the world," should receive him, May 8, 1783.
To *Livingston*. Has had no answer to this paper, May 9, 1783.
To *Livingston*. If no answer comes, proposes to return home, May 15, 1783.
Action of Congress in respect to, May 21, 22, 1783.
From *Livingston*. Forwarding such action and complaining of defective dispatches, May 27, 1783.
To *Livingston*. Has as yet no answer from the vice-chancellor, May 30, 1783.
To *Livingston*. Treaty with Holland ratified, May 30, 1783.
To *Adams*. As yet no answer to his memorial; sees no objection to paying the "presents" required on accession to treaty; suspects jealousy of, by Franklin (?), June 1, 1783.
To *Livingston*. Still no answer, June 6, 1783.
From *Congress*. Withdrawing his power to enter into armed neutrality, June 12, 1783.
To *Livingston*. That he is officially informed that he will be received as soon as the definitive treaty is signed, June 17, 1783.

DANA, FRANCIS—Continued.
To *Livingston*. No information as to definitive treaty, June 24, 1783.
To *Livingston*. Things continue as they were; is not yet received as minister; other diplomatic changes, July 1, 1783.
To *Livingston*. Germany and Russia form alliance against Turkey, July 8, 1783.
To *Livingston*. Will decline presentation to Empress, even if received, July 27, 1783.
To *Adams*. Complaining bitterly of his treatment by Congress, July 29, 1783.
To *Livingston*. Announces his intention to leave Russia without waiting for reception, and gives letter advising Count Ostermann of this, Aug. 8, 1783.
To *Livingston*. Giving his last note to Ostermann, and narrating his visit, putting his withdrawal on the ground of ill-health not permitting him to remain; the Empress declines to receive him in advance of signature of definitive treaty, Aug. 17, 1783.
To *Congress*. Notifying his return home and readiness to meet inquiry, Dec. 17, 1783.
DARTMOUTH, Lord, presents petition of 1775. *Franklin* to *Thomson*, Feb. 5, 1775.
DAVIS, NICHOLAS, suspicious conduct of. *Commissioners* to *Committee*, Feb. 6, 1777.
DEANE, SILAS—
His Congressional career. Introduction, § 159.
His business usefulness at Paris. *Ibid.*, § 160.
His loyalty in Paris. *Ibid.*, § 161.
Hard treatment of, by Congress. *Ibid.*, § 162.
"Intercepted letters of." *Ibid.*, § 163.
Views of George III. *Ibid.*, § 164.
Position of, in London in 1784–'88. *Ibid.*, § 165.
Explanation of his course. *Ibid.*, § 166.
Relief given to his heirs. *Ibid.*, § 167.
From *Committee*, Feb. 14, 1776.
(See *Committee* to *Deane*, same date.)
Instructions to, on leaving America, Mar. 3, 1776.
To *Beaumarchais*. As to purchase of supplies for the United States; inquires as to credit allowed; Congress can within a year send remittances; gives a list of articles needed, June 20, 1776.
From *Beaumarchais*. Confidential correspondence invited, July 18, 1776.
To *Beaumarchais*. Approves his plan for regulating price of supplies, but can not insure punctuality of payment; difficulties in forwarding supplies; suspicion of British minister aroused and great care required, July 24, 1776.
To *Dumas*. Proposing a visit to Amsterdam and also correspondence, July 26, 1776.
From *Committee*. Aug. 7, 1776.
(See *Committee* (*Morris*) to *Deane*, same date.)
To *Dumas*. His journey to Holland delayed; will not travel *incog.*; appears only as a private merchant; neutrality of Holland is all that is claimed, Aug. 16, 1776.
To *Committee*. Narrating his journey to Paris; met in Paris Bancroft, Dubourg, and T. Morris; questionable conduct of Penet; activity of British emissaries; position of European affairs; defferences between Dubourg and Beaumarchais; Dubourg renders much service; Bancroft supplies much information as to English affairs; his expenses paid, Aug. 18, 1776.
To *Beaumarchais*. Must rely on latter for chartering vessels, Aug. 19, 1776.
To *Vergennes*. Is surprised at arrival of A. Lee in Paris; is likely to complicate matters, Aug. 22, 1776.
To *Dumas*. Approves of the latter's course; inquires if mechanics in founding brass and iron can be found to go to America, Sept. 11, 1776.

DEANE, SILAS—Continued.

To *Washington*. Introducing La Brosse, Sept. 15, 1776.

To *Committee*. Introducing La Brosse, Sept. 15, 1776.

To *Committee*. Dangers to the cause in Paris by the reports circulated of accommodation with England; orders issued to suspend the furnishing of supplies; this was countermanded through Beaumarchais; hostile influence of Hopkins, of Maryland; friendly services of Bancroft and Carmichael; importance of making interest with Prussia and other European States, Oct. 1, 1776.

From *Committee*. Informed of great need of supplies. *Secret Committee* to *Deane*, Oct. 1, 1776.

From *Committee*. Informed of instructions to negotiate with France, and that Franklin and Jefferson have been added; £10,000 to be deposited in France to the credit of Commissioners; Wm. Hodge appointed business agent. Oct. 2, 1776.

To *Committee*. His embarassing position without advices from home, Oct. 3, 1776.

To *Dumas*. Independence a *sine qua non;* what provisions the United States can send to Europe, Oct. 6, 1776.

To *Committee*. Effect of Declaration of Independence; importance of diverting British attack; high price of tobacco; importance of American cruisers in British waters, Oct. 8, 1776.

To *Dumas*. Recommending Carmichael; also will give intelligence of Paris mission, Oct. 9, 1776.

To *Dumas*. Want of information, Oct. 13, 1776.

Agreement of, for hiring vessels; articles for hiring armed vessels etc. Oct. 15, 1776.

From *Congress*. Additional instructions to, Oct. 16, 22, 1776.

To *Bingham*. Caribs to be encouraged to revolt, Oct. 17, 1776.

To *Committee*. Complains of want of instructions and of power to treat as representative of an independent sovereign, Oct. 17, 1776.

To *Committee*. Introducing De Balme, Oct. 17, 1776.

From *Committee*, Oct. 23, 1776.

(See *Committee*, etc. (*Morris*), to *Deane*, same date.)

From *Committee*. Advising, of appointment of Franklin and Lee. Oct. 24, 1776.

To *Bingham*. Distressed by want of intelligence; forwards two hundred tons of powder, Oct. 25, 1776.

To *Committee*. Two hundred tons powder furnished through Bingham; high price of tobacco; injury done by failure to announce independence, Oct. 25, 1776.

To *Committee*. Reiterates complaints of want of authority; has obtained large supplies, which are being forwarded; recommends Coudray and De Kalb; high price of American produce; plans for navy, Nov. 6, 1776.

Is introduced to Dumas as agent of Congress. *Franklin* to *Dumas*, Nov. 22, 1776.

To *Committee*. Notice of Tuscan affairs, Nov. 26, 1776.

To *Committee*. Recommends Rogers, of Maryland, as aid to Coudray, Nov. 27, 1776.

To *Committee*. Exposure of English fishery at Newfoundland to destruction, Nov. 27, 1776.

To *Committee*. Receives authority to present Declaration of Independence to European Courts; complains of want of formality in communications; danger to the cause of reports of conciliation; friendliness of house of Bourbon; again complains of Williamson; troubled by pressure of officers for commissions; troops offered from abroad; scarcity of next harvest; saddle-horse asked for for the Queen; Coudray, and De Kalb recommended for appointment; an associate eminent in position asked for, Nov. 28, 1776.

DEANE, SILAS—Continued.
To *Committee.* Value of Beaumarchai's services; recommends his nephew; calls for supplies essential to pay the debts due, Nov. 29,1776.
To *Committee.* Recommends Conway, Nov. 29, 1776.
To *Committee.* Importance of taxation; loans may be obtained on pledges of land; financial difficulties of France; Holland the great money-lender; supplies more needed in the United States than money, Dec. 1, 1876.
To *Committee.* Details of his shipment of supplies, Dec. 3, 1776.
To *Jay.* Details further his shipments; renews suggestions of attack on Newfoundland fishery; work that can be done on British coast by privateers; loans practicable, and foreign ships and recruits can be secured; great number of applicants for posts of officers; value of Bancroft's services; proposals for treaties with France and Spain, Dec. 3, 1776.
From *Franklin,* Dec. 4, 1776.
(See *Franklin* to *Deane,* same date.)
To *Committee.* Sends copy of his agreement with French officers, and also accounts; suggestion as to appointment of Prince Ferdinand or "Marshal Broglio" as commander-in-chief; recommends La Fayette as major-general, Dec. 6, 1776. (See introduction, § 97.)
To *Vergennes.* Announces Franklin's arrival and its effect, Dec. 8, 1776.
To *Committee.* Of same purport, Dec. 12, 1776.
To *Dumas.* Of same purport, Dec. 13, 1776.
To *Dumas.* As to his situation in Paris; Carmichael's visit to Dumas; hopeful of success, Dec. —, 1776.
To *Committee.* Difficulties in expediting the *Amphitrite,* Jan. 20, 1777.
To *Committee.* Advises sending cruisers abroad. Aug. 23, 1777.
To *Committee.* Explains English jealousy; advises Congress as to ship *Heureuse,* and asks for return cargo, directed to Hortalez & Co., Sept. 3, 1777.
His authority to appoint officers denied by Congress, Sept. 8, 1778.
To *Committee.* Introduces Francy, with cargo of goods, Sept. 10, 1777.
To *R. Morris.* Vindicating himself for his action as to T. Morris, Sept. 23, 1777.
Recall of, by Congress, Nov. 21, 1777.
From *Committee,* etc., Dec. 4, 1777.
(See *Committee,* etc., to *Deane,* same date.)
From *Lovell.* Ordered to return to America, Dec. 8, 1777.
Franklin speaks kindly of, to Lovell, Dec. 21, 1777.
Vergennes' testimonial to. *Vergennes* to *Congress,* Mar. 25, 1778; *Vergennes* to *Deane* (inclosing King's portrait), Mar. 26, 1778.
Franklin speaks kindly of. *Franklin* to *Congress,* Mar. 31, 1778.
Denounced to Laurens by Izard. *Izard* to *Laurens,* Apr. 1, 1778.
A. Lee's views of. *A. Lee* to *Congress,* Apr. 2, 5, 1778.
His plans in going to America. *Franklin* to *Lee,* Apr. 4, 1778.
To *Congress.* Arrival in America, July 10, 1778.
To *Lovell.* Asking for a hearing, July 28, 1778.
To *Washington.* Acknowledging friendly letter and hoping for an interview (the letter so referred to can not be found among the Washington or Deane papers in the Department), Aug. 12, 1778.
Informs Congress that he is in Philadelphia awaiting their orders. *Deane* to *Congress,* Sept. 8, 14, 1778.
Action of Congress on his case, Sept. 14, 16, 18, 22, 1778.
To *Hancock.* Complains of conduct of Congress, Sept. 14, 1778.
To *Congress.* Soliciting hearing, Sept 22, 1778.
To *Congress.* Asks for copies of Izard's attacks on him, Sept. 24, 1778.
To *Congress.* Asks for hearing, Oct. 7, 1778.
To *Congress.* Sends replies to Izard and Lee (containing inclosures); explains changes in articles 11 and 12 of treaty, Oct. 12, 1778.

DEANE, SILAS—Continued.
Proceedings of Congress, as to, Oct. 14, 1778.
To *Congress*. Suggestions as to debt and as to equipping a fleet, Nov. 1, 1778.
To *Congress*. Further defense of course and appeal for action, Nov. 19, 30, Dec. 4, 30, 31, 1778.
Proceedings of Congress as to, Dec. 7, 22, 31, 1778.
To *Congress*. Notices attack by Paine, Jan. 4, 1779.
To *Congress*. Asks to be heard, Jan. 21, 1779.
His address to America criticised. *Adams* to *Vergennes*, Feb. 11, 1779.
Vergennes' reply to, Feb. 13, 1779.
Bad effects of his appeal. *Adams* to *S. Adams*, Feb. 14, 1779; to *Vergennes*, Feb. 16, 1779.
Vergennes' views of. *Vergennes* to *A. Lee* (with note), Feb. 15, 1779.
A. Lee writes to Franklin as to, Feb. 18, 1779.
To *Congress*. Again urges action in his case, Feb. 22, 1779.
Further criticisms by A. Lee to Congress, Mar. 7, 1779.
To *Congress*. Again applies for a hearing, Mar. 15, 1779.
Criticisms of, by W. Lee to Congress, Mar. 16, 25, 1779.
To *Congress*. Again appeals to Congress for redress, Mar. 29, Apr. 2, 17, 1779.
To *Holker*. Asks as to mistakes in accounts, Apr. 26, 1779.
(See *Holker's* reply of same date.)
To *Congress*. Addresses again for hearing, Apr. 26, 1779.
To *Congress*. Explains as to Holker's mistake, Apr. 27, 1779.
To *Congress*. Submits accounts of expenses, Apr. 30, 1779.
To *Congress*. Appeals again for a hearing, May 19, 22, 1779.
Lovell's views as to. *Lovell* to *Adams*, June 13, 1779.
Discharged from attendance on Congress in order that he may settle his accounts. Journal of *Congress*, Aug. 16, 1779.
To *Congress*. Application for hearing, Aug. 18, 1779.
Opinion of. *Franklin* to *Lovell*, Oct. 17, 1779.
To *Congress*. Declines to accept grant by Congress of $10,500 on ground of inadequacy, Nov. 23, 1779.
Expected arrival of, in France. *Franklin* to *Congress*, Aug. 9, 1780.
From *Jay*, Sept. 8, 1780.
(See *Jay* to *Deane*, same date.)
His disloyal talk in 1780. *Dana* to *Adams*, Jan. 1, 1781. (Though see *Franklin* to *Dumas*, Jan. 18, 1781.)
So in 1782. *Franklin* to *Livingston*, Mar. 4, 1782.
To *Congress*. Finds that Johnson had declined to examine his accounts; urges on Congress to take other measures for settlement; appeals for justice in his necessities, May 18, 1781.
To *Trumbull*. Dissuading from a further prosecution of the war, and urging a submission at once to the mother country, Oct. 21, 1781. (See Introduction, § 163.)
Letters of, written for publication and not for delivery to sendee. *Paine* to *Morris*, Nov. 26, 1781. (See Introduction, § 163.)
Inculpatory letters; parties abroad to be warned against. *Livingston* to *Congress*, Jan. 18, 1782; *Livingston* to *Luzerne*, Jan. 19, 1782; *Livingston* to *Franklin*, Jan. 19, 1782.
His probable treachery. *Franklin* to *Jay*, Jan. 19, 1782.
"No doubt is entertained here of his apostacy." *Livingston* to *Jay*, Feb. 2, 1782.
Apostacy of, confirmed. *Franklin* to *Livingston*, Mar. 4, 1782.
To *Congress*. Appeals again for settlement of accounts, Mar. 17, 1782.
His disgrace; but should be paid what is due him. *Franklin* to *Morris*, Mar. 30, 1782.

DEAN, SILAS—Continued.
Inculpatory letters of. *Trumbull* to *Livingston*, May 23, 1782; *Livingston* to *Luzerne*, June 7, 1782. *Livingston* to *Trumbull*, June 12, 1782.
Associates in England with Arnold, P. Wentworth, and Skeane. *Adams* to *Livingston*, Aug. 2, 1783.
Examination of his accounts. *Morris* to *A. Lee*, Oct. 4, 1783.
Repudiated by Jay. *Jay* to *Deane*, Feb. 22, 1784.
Relations with Beaumarchais. (See *Beaumarchais.*)
DEANE AND FRANKLIN—
From *A. Lee*, Jan. 30, 1778.
(See *A. Lee* to *Franklin* and *Deane*, same date.)
From *A. Lee*, Feb. 26, 1778.
(See *A. Lee* to *Franklin* and *Deane*, same date.)
DEBT, PUBLIC. (See *France, Franklin, Morris, Vergennes*; and see *Carmichael* to the *Committee of Foreign Affairs*, Jan. 29, 1781.)
DE CAMPO, Spanish minister. Procrastination of. *Jay* to *Livingston*, Apr. 28, 1782.
DECLARATION OF INDEPENDENCE. Importance of announcement of, abroad. *Deane* to *Committee*, Nov. 6, 28, 1776.
DECOY and false information communicated through Arthur Lee's secretaries. Introduction, § 151.
DEFENCE, ship, representations as to. *Gerard* to *Congress*, July 5, 26, 1779.
DEFINITIVE TREATY OF 1783—
Propositions relative to, given under date of Apr. 29, May 21, June 1, 1783. *Hartley* to *Commissioners*, June 14, 1783.
(See *Hartley* to *Franklin.*)
Hartley's proposals, May 21, 1783. (See *Treaties.*)
Articles proposed by American Commissioners, Apr. 29, 1783.
Articles proposed by Hartley, May 21, 1783. *Hartley* to *Commissioners*, June 14, 1783; *Laurens* to *Secretary*, June 17, 1783.
(See *Adams, Franklin, Laurens, Livingston, Jay.*)
Signed Sept. 4, 1783. *Hartley* to *Commissioners*, Sept. 4, 1783; *Commissioners* to *Hartley*, Sept. 5, 1783; *Adams* to *Congress*, Sept. 5, 1783.
Negotiations preceding detailed; notice of its intended signature given to France. *Commissioners* to *Congress*, Sept. 10, 1783.
Ratification of, by Congress, Oct. 29, 1783. *Mifflin* to *Commissioners*, Jan. 14, 1784.
DEFINITIVE TREATY—
Ratification of. *Hartley* to *Franklin*, Mar. 9, 1784; *Franklin* to *Thomson*, Mar. 9, 1784; *Hartley* to *Laurens*, Mar. 26, 1784; *Laurens* to *Thomson*, Mar. 28, 1784; *Franklin* to *Congress*, May 12, 1784; *Hartley* to *Franklin*, June 1, 1784; *Franklin* to *Hartley*, June 2, 1784; *Franklin* to *Congress*, June 16, 1784; *Jay* to *Congress*, July 25, 1784. (See *Treaties.*)
DE GRASSE. Two pieces of field ordnance presented to, by Congress. *Livingston* to *Luzerne*, Nov. 2, 1781.
DE KALB. (See *Kalb.*)
DELAP, Samuel and J. H.—
To receive prizes at Bordeaux. *Committee* to *Commissioners*, Oct. 24, 1776.
Prisoners aid to the United States. *Deane* to *Committee*, Dec. 3, 1776.
DELVOERME. Introduced by *Franklin* to *Livingston*, Apr. 27, 1783.
DENMARK—
Restitution of American prizes, protest against. *Franklin* to *Bernstoff*, Dec. 22, 1779.
Relations with. *Franklin* to *Congress*, May 31, 1780.
Declaration of neutrality of. *Adams* to *Congress*, Aug. 14, 1780.
Complains of seizure of the ship *Providence*. *Vergennes* to *Franklin*, Apr. 23, 1782.

DENMARK—Continued.
Proposals for treaty with. *Rosencrone* to *Waltersdorff*, Feb. 22, 1783; *Franklin* to *Rosencrone*, Apr. 13, 1783.
Counter project of treaty with. *Rosencrone* to *Franklin*, July 8, 1783; *Franklin* to *Livingston*, July 22, 1783.
Claims on to be pressed. *Resolution of Congress*, Oct. 29, 1783.
DENMARK AND NORWAY. Treaty between Russia, Sweden, Holland, and. *Adams* to *Congress*, Feb. 1, 1781.
DESERTERS, Hessian, may be received in the French army. *Reed* to *Luzerne*, July 25, 1780.
DESERTION OF LOYALISTS by British armies. Introduction, § 24. (See *Loyalists.*)
D'ESTAING—
Sailing of fleet of. *Louis XVI* to *Congress*, Mar. 28, 1778.
Informs Congress of his approach and of his plans, July 8, 1778.
Speaks of his support of Gerard, etc.; action of Congress on, July 11, 1778.
Movements of, *Gerard* to *Congress*, May 9, 1779.
Expected to go to America. *Carmichael* to *Committee*, Jan. 29, 1781.
DESTOUCHES—
To *Luzerne*. Prevented from disembarking troops in Virginia by the British fleet; battle between the two fleets, Mar. 19, 1781.
From *Luzerne*, May 7, 1781.
(See *Luzerne* to *Destouches*, same date.)
DE WITT. Opinion of Franklin. Introduction, § 115.
DICKINSON, chosen member of Committee of Correspondence. *Secret Journals of Congress*, Nov. 29, 1775.
DICKINSON, the treachery of crew of. *A. Lee* to *Colden*, Apr. 15, 1776.
DIGBY—
From *Franklin*, Mar. 24, 1783.
(See *Franklin* to *Digby*, same date.)
From *Carleton*, Apr. 6, 1783.
(See *Carleton* to *Digby*, same date.)
From *Livingston*, Apr. 12, 1783.
(See *Livingston* to *Digby*, same date.)
DIGGES, "Mr.," recommended to Congress for employment in the United States. *A. Lee* to *Committee*, Dec. 8, 1777. See Introduction, § 206.
To *Adams*. Giving information as to English affairs. *Digges* to *Adams*, April 14, 1780.
His doubtful character and charges against him. *Id.* See Introduction, § 206.
To *Adams*. Conway's and Hartley's motions relative to America; fallaciousness of the hope Conway seems to entertain of peace without the independence of America; suspicions that he is aiming at the chief command, May 2, 1780.
To *Adams*. Giving English news, May 12, 1780.
(See *Adams* to *Digges*, stating position of the United States, May 13, 1780.)
His atrocious wickedness in embezzling money given him to distribute among prisoners. *Franklin* to *Hodgson*, Apr. 1, 1781; *Franklin* to *Brown*, Aug. 6, 1781; *Franklin* to *Jay*, Aug. 30, 1781; *Franklin* to *Cunningham*, Feb. 6, 1782.
Recommended by Hartley, Mar. 11, 1782.
Addresses Franklin, Mar. 22, 1782.
Conversation with, reported. *Adams* to *Franklin*, Mar. 22, 1782.
Franklin has no confidence in. *Franklin* to *Hartley*, Apr. 8, 1782.
DIPLOMACY, conflicting views as to. Introduction, § 15.
Relations of to finance and military science. *Ibid.*, §§ 1 *ff.*
Founded on good sense. *Ibid.*, § 13.
A system of comity resting on settled rules. *Ibid.*, § 15.

DIPLOMACY—Continued.
Antagonism to these rules by the "militia" school of statesmen. *Ibid.*, §§ 15, 16.
Views of, held by this school. *Ibid.*, § 16.
Replies by Franklin and Livingston. *Ibid.*, § 17.
DIPLOMACY, revolutionary, difficulties of—
From its domestic organization. *Iibd.*, § 103.
From vacillation of Congress. *Ibid.*, § 104.
From difficulties of communication. *Ibid.*, § 105.
From unnecessary multiplication of envoys. *Ibid.*, § 106.
From extraneous burdens. *Ibid.*, § 107.
From want of proper funds and proper aid at Paris. *Ibid.*, § 708.
From delicacy of position to France. *Ibid.*, § 109.
Difference of opinion as to stringency of instructions. *Ibid.*, § 110.
DIPLOMATIC AGENTS, salaries of. *Livingston* to *Congress*, Nov. 18, 1781.
(See *Expenses, Ministers, Salaries.*)
DIPLOMATIC CORRESPONDENCE in Revolution. Difficulty in keeping up. Introduction, § 105.
DIPLOMATIC EXPENSES, estimate of. *Adams* to *Franklin*, Oct. 4, 1781; *Livingston* to *Congress*, May 8, 9, 1782; *Morris* to *Congress* May 8, 1782.
(See *Salaries.*)
DIPLOMATIC MANNERS. Medium to be observed in respect to. *Adams* to *S. Adams*, Mar. 4, 1780.
DIPLOMATISTS. Adams' views of qualifications for. *Adams* to *Livingston*, Feb. 5, 1783.
DISABLED PERSONS. Proclamation of the States-General that provision will be made for, in the sea service. *Adams* to *Congress*, Jan. 18, 1781.
DISSENSIONS BETWEEN MINISTERS AT PARIS. Circumstances concerning. Introduction, §§ 106, 126, 149.
Proceedings of Congress as to. Sept. 11, 22, Oct. 15, Dec. 7, 1778; Jan. 20, Mar. 24, 27, Apr. 3, 30, May 3, June 8, 10, 1779.
DOHRMAN—
From *Committee on Foreign Affairs.* Made agent of Congress in Portugal July 11, 1780.
(See *Lovell* and *Houston* to *Dohrman*, same date.)
Respectable character of. *Jay* to *Lovell*, Oct. 27, 1880.
DONIOL—
His views as to Beaumarchais. Introduction, § 58.
Views of as to A. Lee's differences with Franklin. *Ibid.*, § 145.
Views of, as to treaties of 1778. *Ibid.*, § 45.
DOUBLE DEALING of 1688 contrasted with that of 1776. *Ibid.*, § 8.
DOUCEURS to foreign officials. The United States will not give. *Livingston* to *Dana*, May 1, 1783. *Proceedings of Congress*, May 21, 1783.
DOWLIN. From *Franklin*, Feb. 9, 1780.
(See *Franklin* to *Dowlin*, same date.)
DRAYTON, W. H., communicates to Congress aversion of French and Spanish courts to A. Lee, Apr. 30, 1779.
DUBOURG—
His position as to America. Introduction, § 74.
Characteristics of. *Ibid.*, § 74.
Will introduce Deane, and procure him an interview with Vergennes. *Committee of Correspondence* to *Deane*, Mar. 3, 1776.
Misunderstanding between Beaumarchais and. *Deane* to *Committee*, Aug. 18, 1776.
DU COUDRAY. See *Coudray.*
DUMAS, C. W. F.—
His public services. Introduction, § 185.
A. Lee is directed to correspond with. *Committee* to *A. Lee*, Dec. 12, 1775.

DUMAS—Continued.
From *Franklin*, Dec. 19, 1775.
(See *Franklin* to *Dumas*, same date.)
From *Franklin*, Mar. 22, 1776.
(See *Franklin* to *Dumas*, same date.)
To *Franklin*. Accepting appointment as correspondent; America should rely in the first place on France; has conferred on the subject with the French minister at Holland, who will send memorial to his court; corresponds with A. Lee; Storey's letters intercepted; can recommend an engineer; refers with satisfaction to his writings, Apr. 30, 1776.
To *Franklin*. Attitude of France at present must be one of non-interference, May 14, 1776.
From *A. Lee*, July 6, 1776.
(See *A. Lee* to *Dumas*, same date.)
From *Deane*, July 26, 1776.
(See *Deane* to *Dumas*, same date.)
To *Committee*. Gives correspondence with French minister in Holland; refers to Dr. Ellis as a confidential agent, Aug. 10, 1776.
From *A. Lee*, Aug. 13, 1776.
(See *A. Lee* to *Dumas*, same date.)
From *Deane*, Aug. 18, 1776.
(See *Deane* to *Dumas*, same date.)
To *Committee*. Non-appearance so far of "Hortalez;" arrival in Paris of Deane; will continue to act as agent in Holland, but hopes for compensation, Sept. 1, 1776.
From *W. Lee*, Sept. 10, 1776.
(See *W. Lee* to *Dumas*, same date.)
From *Deane*, Sept. 11, 1776.
(See *Deane* to *Dumas*, same date.)
From *A. Lee*, Sept. 23, 1776.
(See *A. Lee* to *Dumas*, same date.)
From *Franklin*, Oct. 1, 1776.
(See *Franklin* to *Dumas*, same date.)
From *Deane*, Oct. 3, 1776.
(See *Deane* to *Dumas*, same date.)
From *Deane*, Oct. 6, 1776.
(See *Deane* to *Dumas*, same date.)
From *Deane*, Oct. 9, 1776.
(See *Deane* to *Dumas*, same date.)
From *Deane*, Oct. 13, 1776.
(See *Deane* to *Dumas*, same date.)
From *Carmichael*, Oct. 22, 1776.
(See *Carmichael* to *Dumas*, same date.)
From *Committee*, Oct. 24, 1776.
(See *Committee*, to *Dumas*, same date.)
From *Carmichael*, Oct. 27, 1776.
(See *Carmichael* to *Dumas*, same date.)
From *A. Lee*, Nov. 15, 1776.
(See *A. Lee* to *Dumas*, same date.)
From *Deane*, Dec. 13, 1776.
(See *Deane* to *Dumas*, same date.)
From *Deane*, Dec. —, 1776.
(See *Deane* to *Dumas*, same date.)
From *Carmichael*, Jan. 21, 1777.
(See *Carmichael* to *Dumas*, same date.)

DUMAS—Continued.
From *A. Lee*, Jan. 26, 1777.
(See *A. Lee* to *Dumas*, same date.)
From *Franklin*, Jan. 29, 1777.
(See *Franklin* to *Dumas*, same date.)
From *W. Lee*, Mar. 21, 1777.
(See *W. Lee* to *Dumas*, same date.)
From *Deane*, Apr. 2, 1777.
(See *Deane* to *Dumas*, same date.)
Payment to, by Deane, Apr. 2, 1777.
To *Committee*, as to his services, Apr. 12 1777.
From *Carmichael*, Apr. 28, 1777.
(See *Carmichael* to *Dumas*, same date.)
From *Committee*, May 8, 1777.
(See *Committee*, to *Dumas*, same date.)
From *Carmichael*, May 9, 1777.
(See *Carmichael* to *Dumas*, same date.)
From *Franklin*, May 12, 1777.
(See *Franklin* to *Dumas*, same date.)
To *Committee*. Uses signature of "Concordia;" information from The Hague, May 16, 1777.
From *Deane*, June 7, 1777.
(See *Deane* to *Dumas*, same date.)
From *Carmichael*, June 13, 1777.
(See *Carmichael* to *Dumas*, same date.)
To *Committee*. Complains of embarrassed position and gives information, Aug. 22, 1777.
To *Committee*. Condition of affairs in Holland, Oct. 14, Dec. 16, 1777.
(See *Van Berckel* to *Dumas*, same date.)
From *Franklin*, Apr. 10, 1778.
(See *Franklin* to *Dumas*, same date.)
From *Commissioners*, Apr. 10, 1778.
(See *Franklin*, *Lee*, and *Adams* to *Dumas*, same date.)
From *Committee*, May 14, 1778.
(See *Morris*, *R. H. Lee*, and *Lovell* to *Dumas*, same date.)
From *A. Lee*, June 4, 1778.
(See *A. Lee* to *Dumas*, same date.)
From *Van Berckel*, July 31, 1778.
To *Committee*. View of Dutch affairs, Oct. 27, Nov. 4, 10, 13, 1778.
To *Van Berckel*. Affairs in Holland, Aug. 17, 1778.
From *Van Berckel*. Saying that Amsterdam has no power to make treaties, Sept. 22, 1778.
From *Commissioners*, Oct. 16, 1778.
(See *Franklin et al.* to *Dumas*, same date.)
To *Commissioners*. British interference in Holland, Nov. 26, Dec. 3, 18, 25, 1778.
From *Franklin*, Mar. 18, 1779.
(See *Franklin* to *Dumas*, same date.)
From *Chaumont*, Sept. 2, 1779.
(See *Chaumont* to *Dumas*, same date.)
From *Vauguyon*, Nov. 11, 1779.
(See *Vauguyon* to *Dumas*, same date.)
To *Vauguyon*, naval affairs, Nov. 11, 13, 1779.
From *Vauguyon*, Nov. 12, 1779.
(See *Vauguyon* to *Dumas*, same date.)
From *Vauguyon*, Nov. 17, 1779.
(See *Vauguyon* to *Dumas*, same date.)

DUMAS—Continued.
From *J. P. Jones*, Dec. 13, 1779.
(See *Dumas* to *Jones*, same date.)
From *J. P. Jones*, Dec. 17, 1779.
(See *Jones* to *Dumas*, same date.)
From *J. P. Jones*, Dec. 27, 1779.
(See *Jones* to *Dumas*, same date.)
To *Congress*. Reports condition of affairs in Holland, Jan. 1, 12, Mar. 1, Apr. 29, May 15, Sept. 14, 20, Dec. 9, 1779.
To *Vauguyon*. Takes action in case of Paul Jones, Nov. 9, 11, 13, 1779.
To *Congress*, Dec. 10, 11, 30, 1779.
From *Franklin*, Jan. 27, 1780.
(See *Franklin* to *Dumas*, same date.)
To *Congress*. Sends plan of treaty; gives views as to Holland, Mar. 15, 1780.
To *Congress*. His claim for remuneration for services, Mar. 21, 1780.
From *Franklin*, Mar. 29, 1780.
(See *Franklin* to *Dumas*, same date.)
From *Franklin*, Mar. 30, 1780.
(See *Franklin* to *Dumas*, same date.)
To *Congress*. Injury done him by W. Lee; affairs in Holland, Apr. 13, 1780.
From *Franklin*. Personal advice, Apr. 23, 1780.
To *Congress*. Affairs in Holland, May 21, 1780.
From *Franklin*, June 5, 1780.
(See *Franklin* to *Dumas*, same date.)
From *Adams*, June 5, 1780.
(See *Adams* to *Dumas*, same date.)
From *Franklin*, June 22, 1780.
(See *Franklin* to *Dumas*, same date.)
Unfounded criticisms of, by W. Lee. *W. Lee* to *Adams*, July 8, 1780.
Spoken highly of. *Lovell* to *Dumas*, July 10, 1780.
To *Congress*. As to Dutch affairs, July 13, 22, 1780.
From *Carmichael*, July 24, 1780.
(See *Carmichael* to *Dumas*, same date.)
To *Congress*. Desires formal commission; narrates his services and asks compensation, July 25, 1780.
To *Congress*. As to late European events, Sept. 12, Oct. 2, 1780
From *J. P. Jones*, Sept. 8, 1780.
(See *Jones* to *Dumas*, same date.)
Promotion of, recommended. *Livingston* to *Congress*, Sept. 11, 12, 1780; *Livingston* to *Dumas*, Sept. 12, 1780.
To *Congress*. Narrative of affairs in Holland, Sept. 25, 1780.
From *Franklin*, Oct. 2, 1780.
(See *Franklin* to *Dumas*, same date.)
To *Congress*. Late European events, Sept. 12, Oct. 2, 1780.
From *Adams*, Oct. 4, 1780.
(See *Adams* to *Dumas*, same date.)
Letters from London to, Oct. 6, 1780.
To *Congress*. Detailing imprisonment and capture of H. Laurens, Oct. 6, 1780.
From *Franklin*, Oct. 9, 1780.
(See *Franklin* to *Dumas*, same date.)
His critical position at Holland. *Carmichael* to *Committee*, Nov. 28, 1780.
From *Franklin*, Dec. 3, 1780.
(See *Franklin* to *Dumas*, same date.)
To *Congress*. Attitude of Holland to Sir J. Yorke; project of treaty with United States, Dec. 19, 1780.

DUMAS—Continued.
From *Morris*, Dec. 24, 1780.
(See *Dumas* to *Morris*, same date.)
From *Franklin*, Jan. 18, 1781.
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Loans to the United States to date. *Livingston* to *Greene*, Jan. 4, 1783.
No ground for suspicions of, in peace negotiations. *Livingston* to *Jay*, Jan. 4, 1783; *Livingston* to *Franklin*, Jan. 6, 1783.
Friendliness to the United States. *La Fayette* to *Carmichael*, Jan. 20, 1783.
Gives loan for six millions, though in great pecuniary difficulties. *Franklin* to *Morris*, Mar. 7, 1783.
Army of. Recognition of services of, by Congress, May 1, 1783.
Proposed new articles of treaty of commerce with. *Vergennes* to *Franklin*, May 20, 1783.
Friendly relations with. *Franklin* to *Congress*, Sept. 13, 1783.
Affection for, not diminished in the United States. *Morris* to *Franklin*, Sept. 30, 1783.
Commerce of. Papers as to. *Morris* to *Congress*, Apr. 16, 1784.
Indebtedness to. Call for settlement of. *Luzerne* to *Congress*, Apr. 9, 1784. *Morris* to *Marbois*, Aug. 17, 1784.
No other nations to have superior advantages. *Vergennes* to *Franklin*, Aug. 27, 1784; *Franklin* to *Vergennes*, Sept. 3, 1784.
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Brings cargo of goods and is recommended to Congress. *Deane* to *Committee*, Sept. 10, 1777.
Position of. Introduction, § 73.
His arrival as Beaumarchais' agent. *Lovell* to *Commissioners*, Mar. 24, 1778.
Contract of Congress with, discussed. *Commissioners* to *Vergennes*, Sept. 10, 1778.
Negotiation of, with Congress. *Gerard* to *Congress*, Jan. 4, 1779.
FRANKLIN, B.—
His position in revolutionary politics. Introduction, § 4.
His appointment as minister to France; age and infirmities. *Ibid.*, § 112.
Probity and courage. *Ibid.*, §§ 8, 113.
His political knowledge. *Ibid.*, § 115.
A liberal constructive. *Ibid.*, § 116.
His alleged failure to appeal to high motives. *Ibid.*, § 117.
His immense labors. *Ibid.*, § 118.
Neither indolent nor dissipated. *Ibid.*, § 119.
His success as a diplomatist. *Ibid.*, § 120.
High reputation. *Ibid.*, § 121.
Influence in France. *Ibid.*, § 122.
Courted and feared in England. *Ibid.*, § 123.
His sympathies as between France and England. *Ibid.*, § 124.
His relations to Chaumont and Passy. *Ibid.*, § 125.
His relations to his colleagues. *Ibid.*, §§ 126, 145, 149.
His relations to his family. *Ibid.*, § 127.
His course after returning. *Ibid.*, § 128.
Style of his papers. *Ibid.*, § 114.
Washington's opinion of. *Ibid.*, § 113.
Multitudinous duties. *Ibid.*, §§ 107, 118.
To *Thomson*. Presentation of petition to King; waiting with it on Lord Dartmouth; indifference with which it was received; confidence of British ministry; Lord Chatham's position, Feb. 5, 1775.

FRANKLIN, B.—Continued.

Narrative of informal negotiations in London in 1775, giving a full account of his interview with parties representing indirectly the Government and with other public characters, Mar. 22, 1775.

To *Priestley*. Perfidy of Gage; barbarity of British warfare; lesson of Bunker Hill; his occupation in Philadelphia; determination of the Colonies not to submit, July 7, 1775.

To a friend in England (*Hartley*). The Colonies can not be beaten into submission, Oct. 3, 1775.

To *Priestley*. Bunker Hill shows the folly of British conquest of the Colonies, Oct. 3, 1775.

Chosen member of Committee of Correspondence. *Secret Journals of Congress*, Nov. 29, 1775.

(With *Dickinson* and *Jay*) to *A. Lee*. Invites him to correspond as to disposition of foreign powers; recommends Dumas and Story; transmits him £200, Dec. 12, 1775.

To *Dumas*. Commends his publications; views as to coming campaign; desires information as to European affairs; suggests correspondence with A. Lee, Dec. 12, 1775.

To *Charles Lee*. Introducing Arundel; deficiency as to powder; utility of pikes and bows and arrows; suspense as to negotiations, Feb. 11, 1776.

A. Lee objects to his being on the Committee of Secret Correspondence; *Lee* to *Colden*, Feb. 13, 14, 1776.

Et al. to *Deane*. Advised to visit, on reaching Paris, Le Roy and Dubourg, and to make application to Vergennes for aid, and to urge the necessity of supplies; advised to send for Bancroft, and to pay his expenses, and to correspond with A. Lee, Mar. 3, 1776.

From *Dumas*, Apr. 30, 1776.

(See *Dumas* to *Franklin*, same date.)

To *Dumas*. Introducing Deane, Mar. 23, 1776.

To *Commissioners in Canada*. His feeble health; incidents in his journey, May 27, 1776.

From *Howe*, June 20, 1776.

(See *Howe* to *Franklin*, same date.)

To *Howe*. Submission impossible on British terms, July 20, 1776.

From *Howe*, Aug. 16, 1776.

(See *Howe* to *Franklin*, same date.)

To *Gates*. Inducements to Hessians to desert; union in Congress, Aug. 28, 1776.

To *Howe*. Will meet him in conference with Rutledge, Sept. 8, 1776.

In conference (together with Rutledge and Adams) with Howe; details of, Sept. 11, 1776.

And *Morris*. Memorandum of, giving report of A. Lee's conferences with Beaumarchais, in which Beaumarchais stated that France would send to the assistance of the United States £200,000 worth of arms, which intelligence it was voted to keep secret, Oct. 1, 1776.

To *Dumas*. Americans firm at Philadelphia against a great force of English, Oct. 1, 1776.

Appointed, with Jefferson and Deane, to make a treaty with France. *Committee* to *Deane*, Oct. 2, 1776.

To *Ministers at Paris*. Instructions from Congress, Oct. 16, 1776.

To *A. Lee*. Announcing his appointment as commissioner at Paris, Oct. 23, 1776.

Appointed unanimously commissioner to Paris. *Committee* to *Deane*, Oct. 24, 1776.

To *Deane*. Announcing his arrival and his purpose to remain *incognito;* capture of prizes on way, Dec. 4, 1776.

To *Committee*. Announces his arrival at Nantes after a rough voyage, the captain (Wickes) having taken two prizes, Dec. 8, 1776.

FRANKLIN, B.—Continued.
To *Hancock*. Question as to sale of prizes; will not at first appear in public capacity; good prospect of military supplies, Dec. 8, 1776.
Arrival of, in France. *Deane* to *Vergennes*, Dec. 8, 1776; *Deane* to *Committee*, Dec. 12, 1776; *Deane* to *Dumas*, Dec. 13, 1776.
To *Vergennes*. Announcing his powers, Dec. 23, 1776.
From *Committee*, Jan. 1, 1777.
(See *Committee* to *Franklin*, same date.)
Appointment as commissioner to France, Jan. 1, 1777.
(With *Deane* and *Lee*) to *Vergennes*. Application for eight ships of the line; pledges of fidelity by the United States; necessity of naval aid, Jan. 5, 1777.
To *Gerard*. Recognition of French promises of assistance, Jan. 14, 1777.
(With *Deane*, and *Lee*.) From *R. Morris*, Jan. 14, 1777.
(See *Morris* to *Franklin, et al.*, same date.)
(With *Deane*, and *Lee*) to *Committee of Foreign Affairs*. Commissioners met on Dec. 22, and had an audience on Dec. 28 with French secretary for foreign affairs; statement to latter of needs of Congress; forwarding of supplies; objections to Myrtle and Thomas Morris as business agents; caution as to Penet; ask for blank commissions for privateers; British efforts at German enlistments; French sympathy and prospects of war with England; to meet consignments Congress should forward tobacco; offer of loan from France; proposed building of ships, Jan. 17, 1777.
To *Congress*. Recommends Captain Balm, Jan. 20, 1777.
To *Nicholson*. Direction as to proposed cruise, Jan. 26, 1777.
(With *Deane*, and *Lee*) to *Vergennes*. Importance of decisive, friendly action by France, Feb. 1, 1777. Introduction, § 94.
(With *Deane*, and *Lee*) pledge of fidelity by, Feb. 2, 1777.
(With *Deane*, and *Lee*) to *Committee*. Friendliness of France, but doubts of American success; proposed purchase of cutters; British plans of campaign; engineers and other officers propose to go to America; approval in France of Washington's plan of campaign; efficiency of American privateers; Lee proposes to go at once to Spain, Feb. 6, 1777.
(With *Deane*) to *President of Congress*. Introducing Coudray, and communicating agreement with certain French officers, Feb. 6, 1777.
(With *Deane*, and *Lee*) to *Germaine*. Demanding restitution of American vessels betrayed into British ports, Feb. 7, 1777.
(With *Deane*) to *Committee*. Want of information from America; stores herewith forwarded; importance of Williams' services, Mar. 4, 1777.
(With *Deane*) to *Committee*. Continued failure of letters; France desires to observe terms with England, but will open her ports to our ships and sell us what we want; munitions of war furnished, though the minister affects to know nothing about it; ships refused; plans for a loan; preparations for building two ships of war; efforts made for further loans; Lee has gone to Spain, with good prospects of success; hopefulness as to future loans; pressure of French officers for appointments; contract for sale of tobacco; heavy purchase of arms; approves ministers being sent to European states; European sympathy; naval preparations of France, Mar. 12, 1777.
To *A. Lee*. Objects to initiating foreign missions, Mar. 21, 1777.
(With *Deane*.) Agreement for sale of tobacco to Farmer General, Mar. 24, 1777.
Agreement for packets with Chaumont, Apr. —, 1777.
To *Lith*. As to the latter going to America, Apr. 6, 1777.
To *Aranda*. As to alliance with Spain, Apr. 7, 1777.
(With *Deane*, and *Lee*) to *Schulenberg*. As to negotiations with Prussia, Apr. 19, 1777.
To *Ponte de Limes*. Protesting against injurious proclamation of Portugal, Apr. 26, 1777.
To *Portuguese Minister*. To same effect, Apr. 26, 1777.

FRANKLIN, B.—Continued.
To *Winthrop*. As to barbarity of employment of German stipendiaries, May 1, 1777.
To *Cooper*. European sympathy with the United States, May 1, 1777.
To *Cushing*. Progress of the war, May 1, 1777.
(With *Deane* and *Lee*) to *Williams*. Giving him charge at Nantes of packets to and from America, May 1, 1777.
(With *Deane* and *Lee*.) From *A. Lee*, May 18, 1777.
(See *A. Lee* to *Franklin*, same date.)
(With *Deane*) to *Committee*. Lee's proposed visit to Berlin, the object being to obtain an open port. Difficulties from restriction of prizes; large remittances from France; arrangements for campaign as to cannon and accouterments; necessity of punctual payment of interest; treaty of commerce in course of preparation; proposed visit and commendation of La Fayette, May 25, 1777.
(With *Deane*) to *Committee*. Efficiency of American privateers in injuring British resources; importance of continental cruisers on the German Ocean; western coast of Scotland now unguarded; frigates loaded with tobacco might be sent to France and refitted and then sent to attack British ports; foundries for cannon should be erected in the United States; can not now obtain vessels of war in Europe, May 26, 1777.
(With *Deane*) to *Jay*. Importance of sending tobacco, rice, etc., to France; mischief privateers could do on French coast, June 2, 1777.
(With *Deane*) to *Vergennes*. As to invasions of neutrality by American privateers, July 17, 1777.
(With *Deane*.) Contract with Holker for arms, Aug. 6, 1777.
(With *Deane* and *Lee*) to *Vergennes*. As to arrest of Hodge, Aug. 12, 1777.
From *Dubourg*, Sept. 8, 1777.
(See *Dubourg* to *Franklin*, same date.)
(With *Deane* and *Lee*) to *Committee*. Friendly course of France, though technically maintaining her neutral attitude and treaty obligations to Britain; difficulty of maintaining this position; probabilities of war; military supplies will be furnished, but no American remittances are received; effect of American privateers on British commerce; expenses of commissioners, Sept. 8, 1777.
Same to same. France pursues the same line; promises of French additional support; failure of American remittances; misconduct of Ceronio, an alleged agent of Congress; release of Hodge; no present probability of obtaining money on private loan, Oct. 7, 1777.
To *Hartley*. Urging better treatment of prisoners in England, Oct. 14, 1777.
To *Lovell*. As to foreign officers, Oct. 17, 1777.
(With *Deane* and *Lee*) to *Captains of American vessels*. As to abuse of belligerent rights, Nov. 21, 1777.
(With *Deane* and *Lee*) to *Thompson* and *Hinman*. Directions as to cruise as privateers, Nov. 25, 1777.
With *Deane* and *Lee*) to *Committee*. Frigate built by their order sold to the King; small fleet of vessels fitting up at Nantes; in this way supplies will be sent to America; this is done not through remittances, but the bounty of friends; money has been obtained in France to pay interest on loans; loss of packets carrying dispatches; loss of Captain Wickes; arrival of the *Amphitrite* with cargo of provisions and stores; alleged breach of neutrality by American privateers; complaints in this respect of Spain; difficulties from present inability to sell prizes in port; blustering character of George III's speech; French caution as to breach of neutrality; war still supported by Parliament; Montgomery's monument finished; ships *Raleigh* and *Alfred* finished, Nov. 30, 1777.

FRANKLIN, B.—Continued.
To *Cooper*. As to prisoners, Dec. 11, 1777.
(With *Deane* and *Lee*) to *Lord North*. Protesting against cruelty of British warfare, Dec. 12, 1777.
(With *Deane* and *Lee*) to *Committee*. Reception of news of Burgoyne's defeat; France determined to acknowledge American independence and agree to a liberal treaty on condition that we would not return to British obedience; further promises of aid; Congress asked to be sparing in drafts; cargo of *Amphitrite* claimed by Beaumarchais; probabilityof war between France and Britain; inhuman treatment of prisoners; expenses of relief to prisoners, Dec. 18, 1777.
To *Congress*. As to Deane's appointment of officers, Dec. 21, 1777.
(With *Deane* and *Lee*) to *Vergennes*. Importance of treaty; supply of three millions from France acknowledged, Dec. 23, 1777.
(With *Deane*) to *Paul Jones*. Instructions as to his proposed cruise Jan. 16, 1778.
From *Price*, Jan. 18, 1778.
(See *Price* to *Franklin*, same date.)
From *Izard*, Jan. 28, 1778.
(See *Izard* to *Franklin*, same date.)
From *Izard*, Jan. 30, 1778.
(See *Izard* to *Franklin*, same date.)
(With *Deane*) from *A. Lee*, Jan. 30, 1778.
(See *A. Lee* to *Franklin* and *Deane*, same date.)
(With *Deane* and *Lee*) to *Gerard*. Asking to withdraw twelfth article of treaty, Feb. 1, 1778.
From *Gerard*. Declining, Feb. 1, 1778.
(With *Deane*) to *Lee*. Stating last letter, Feb. 1, 1778.
(With *Deane*) to *President of Congress*. Treaties with France completed; the first of amity and commerce; the other of alliance, making common cause with France in case of war between France and England; friendliness of France; Spain to be allowed to come in under treaty, Feb. 8, 1778.
To *Hartley*. Friendly letters, Feb. 12, 26, 1778.
(With *Deane* and *Lee*) to *Committee*. Transmitting treaties; Spain expected soon to accede; have received 3,000,000 livres; paid W. Lee and Izard 2,000 guineas each for expenses of journey to Germany and Italy; remittances asked for; surrender by France of prizes to Britain; cargo of *Amphitrite* given to Beaumarchais; British alarm at condition of war, Feb. 16, 1778.
To *Gerard*. Inclosing papers showing fidelity to alliance, Feb. 24, 1778.
To *A. Lee*. Referring to note from Hartley as to British conciliation, Feb. 25, 1778.
To *Gerard*. Inclosing papers, Feb. 25, 1778.
(With *Deane*) from *A. Lee*, Feb. 26, 1778.
(See *A. Lee* to *Franklin* and *Deane*, same date.)
(With *Deane*) to *A. Lee*. Defending themselves from charge of keeping information from him, Feb. 27, 1778.
(With *Deane* and *Lee*) to *Committee*. Movements in British Parliament; French alliance settled; Americans well treated in Paris; have obtained repayment of losses by seizure of prizes; steadfastness of French alliance; death of Thomas Morris, Feb. 28, 1778.
To *Hartley*. Explaining his course on the stamp act, Mar. 12, 1778.
To *A. Lee*. Explanation as to packets for America, Mar. 17. 1778.
To *Hartley*. Friendly sentiments, Mar. 24, 1778.
From *A. Lee*, Mar. 27, 1778.
(See *A. Lee* to *Franklin*, same date.)
From *Izard*, Mar. 29, 1778.
(See *Izard* to *Franklin*, same date.)

FRANKLIN, B.—Continued.
From *Pulteney*, Mar. 29, 1778.
(See *Pulteney* to *Franklin*, same date.)
To *Pulteney*. Saying independence is a *sine qua non*, Mar. 30, 1778.
From *Izard*. Demanding explanations, Mar. 29, 1778.
To *Izard*. In reply, Mar. 30, 1778.
To *Congress*. Speaking kindly of Deane, Mar. 31, 1778.
From *Izard*, Mar. 31, 1778.
(See *Izard* to *Franklin*, same date.)
And *Deane* from *A. Lee*, Mar. 31, 1778.
(See *A. Lee* to *Franklin* and *Deane*, same date.)
To *Laurens*. Introducing Gerard, Mar. 31, 1778.
To *A. Lee*. Vindicating himself from charge of negligence, Apr. 1, 1778.
From *A. Lee*, Apr. 2, 1778.
(See *A. Lee* to *Franklin*, same date.)
From *Izard*, Apr. 4, 1778.
(See *Izard* to *Franklin*, same date.)
To *A. Lee*. Has his accounts always ready; further explanation of his course; his vindication as to accounts; explains his non-answering Lee's letters, Apr. 4, 1778.
To *A Lee*. As to accounts, Apr. 6, 1778.
(With *Lee*) to *Dumas*. Arrival of Adams, who succeeds Deane; capture of an English ship as prize; doubts as to sending minister to Holland; prospects of campaign, Apr. 10, 1778.
To *Grand Pensionary*. Announcing independence and treaty with France, Apr. 10, 1778.
(With *Lee* and *Adams*) to *Ross*. As to accounts, Apr. 13, 1778.
From *Hartley*. Advising him of his danger, Apr. 23, 1778.
To *Hartley*. Saying he is not in this way to be moved, Apr. 23, 1778.
To *Vergennes*. Explaining Hartley's mission, Apr. 24, 1778.
From *Izard*, Apr. 25, 1778.
(See *Izard* to *Franklin*, same date.)
From *Vergennes*. In reply, Apr. 25, 1778.
(See *Vergennes* to *Franklin*, same date.)
To *Ross*. In respect to papers of T. Morris, Apr. 26, 1778.
(With *Lee* and *Adams*) to *Sartine*. As to exchange of prisoners, May 14, 1778.
To *Vergennes*. Declaring the frigate *Boston* to be a United States ship of war, May 16, 1778.
To *Sartine*. Offering to give letters of marque and reprisal to Basmarine & Co., May 16, 1778.
(With *Lee* and *Adams*) to *Governors*, etc. As to expected British campaign, May 18, 1778.
(With *Lee* and *Adams*) to *Vergennes*. As to forwarding papers, etc., May 19, 1778.
To *Jonathan Williams*. Revoking all authority to him and vesting it in Schweighäuser, as sole agent at Nantes, May 25, 1778.
To *Paul Jones*. As to exchange of prisoners and accounts, May 25, 1778.
To *Hartley*. As to treatment of prisoners, May 25, 1778.
To *Paul Jones*. Giving advices, May 27, June 6, 10, 16, 1778.
(With *Lee* and *Adams*) to *Sartine*. As to relief from duty from American ships, June 3, 1778.
(With *Lee* and *Adams*) to *Simpson*. As to charges against him, June 8, 1778.
(With *Lee* and *Adams*) to *Jones*. Advising him further as to his course, June 16, 1778.
To *Hartley*. As to exchange of prisoners, June 16, 1778.

FRANKLIN, B.—Continued.
From *Izard*. Bitterly criticising him, June 17, 28, 1778.
(See *Izard* to *Franklin*, same dates.)
To *Commanders of Vessels*. As to Moravian missionaries, June 22, 1778.
To *Hutton*. As to monument to Montgomery, June 23, 1778.
(With *Lee* and *Adams*) to *Jones*. As to cases of Simpson and Fallen, June 31, 1778.
To *Weissenstein*. As to political conditions, July 1, 1778. (See *Weissenstein*.)
To *Grand*. As to British seizure of goods on high seas, July 3, 1778.
To *Vergennes*. As to alleged commercial discrimination against France, July 6, 1778.
To *Hartley*. As to prisoners, July 13, 1778.
(With *Lee* and *Adams*) to *Sartine*. As to relief for St. Pierre and Miquelon; exchange of prisoners, July 16, 1778.
(With *Lee* and *Adams*) to *Council of Massachusetts Bay*. Asking for aid to islands of St. Pierre and Miquelon, July 16, 1778.
To *Vergennes*. As to action of Congress on the treaties, July 17, 1778.
To *President of Congress*. Exchange of ratifications of treaties; war not yet declared between France and England, but hostilities at sea have begun; war probable between the Emperor and Prussia; France agrees to abandonment of eleventh and twelfth articles of treaty; Dumas entitled to salary of £200 at least; "Bonfield at Bordeaux and Schweighäuser at Nantes, both by the appointment of Mr. W. Lee, are the only persons authorized as commercial agents;" consuls should be American citizens, July 20, 30, 1778.
To *Lovell*. Giving views as to appointment of officers, and as to treaties with France, and as to expenses of legation in France, July 22, 1778.
(With *Adams*) to *Congress*. Announcing war between France and England, and hence that the eventual treaty comes in force, July 23, 1778.
(With *Lee* and *Adams*) to *Congress*. Commendatory of Lieutenant Livingston, July 29, 1778.
To *Committee of Foreign Affairs*. Encouraging prospects; ratifications of treaty agreed on, July 29, 1778.
(With *Lee* and *Adams*) to *Sartine*. As to admiralty jurisdiction; duties on prize goods, Aug. 13, 1778.
(With *Lee* and *Adams*) to *Sartine*. As to prize regulations, Aug. 18, 1778.
(With *Lee* and *Adams*) to *Jones*. As to court-martial on Lieutenant Simpson, Aug. 22, 1778.
To *Vergennes*. As to Genoese loan, Aug. 25, 1778.
(With *Lee* and *Adams*) to *Vergennes*. Necessity of subsidy; asks for permission to borrow money in France; transit over France for Americans without paying duties asked for, Aug. 28, 1778.
To *Hartley*. As to exchange of prisoners and as to loss of affection for England, Sept. 3, 1778.
(With *Lee* and *Adams*) to *Beaumarchais*. As to accounts; question as to title of the *Therese*, Sept. 10, 1778.
(With *Lee* and *Adams*) to *Vergennes*. As to settlement of Beaumarchais' claim, Sept. 10, 1778.
(With *Lee* and *Adams*) to *Sartine*. Application on behalf of McNeil, to enable him to discharge his cargo, Sept. 10, 1778.
(With *Lee* and *Adams*) to *Vergennes*. Reciting that Congress had committed to commissioners the settlement of the Hortalez claim; asks advice as to who form the firm of Hortalez & Co.; state inability to discover what was the contract on which the firm rested; the United States will discharge all their liabilities; question as to ratifying contract with Francy, Sept. 10, 1778.
(With *Lee* and *Adams*) to *Paul Jones*. As to prisoners and American policy, Sept. 14, 1778.
(With *Lee* and *Adams*) to *Hartley*. As to exchange of prisoners, Sept. 14, 1778.

FRANKLIN, B.—Continued.
Elected by Congress minister to France, Sept. 14, 1778.
(With *Lee and Adams*) to *Sartine*. Importance of reciprocity as to privileges of armed cruisers; question as to the *Isabella*, retaken by privateer *General Mifflin;* how far a commission is essential to establish right to cruise as privateers; want of commission does not make such vessels pirates, Sept. 17, 1778.
(With *Lee* and *Adams*) to *Congress*. Naval actions on European waters; attempts to borrow from the Dutch; prospects of European wars; commissioners have administered oaths of allegiance, but stating that this was without authority; question as to authority for this function, and also as to registry of ships; questions as to prisoners, Sept. 17, 1778.
(With *Lee* and *Adams*) to *Prisoners at Plymouth and elsewhere*. Efforts made to effect exchange, Sept. 20, 1778.
(With *Lee* and *Adams*) to *President of Congress*. Recognizing services of J. L. Austin, Sept. 22, 1778.
To *Adams*. As to income of commissioners, Sept. 26, 1778. (See *Expenses*.)
(With *Lee* and *Adams*) to *W. Lee*. Declining to express an opinion as to draft of treaty with United Provinces, Sept. 26, 1778.
(With *Lee* and *Adams*) to *Vergennes*. As to duties on Izard's goods, Sept. 26, 1778.
(With *Lee* and *Adams*) to *Sartine*. As to same, Sept. 26, 1778.
(With *Lee* and *Adams*) to *Izard*. As to same, Sept. 26, 1778.
(With *Lee* and *Adams*) to *Sartine*. As to the prize *Isabella*, Sept. 27, 1778.
(With *Lee* and *Adams*) to *Dumas*. As to treaty, Sept. 27, 1778.
(With *Lee*, and *Adams*) to *Ross*. As to accounts, Sept. 30, 1778.
(With *Lee* and *Adams*) to *Vergennes*. Question as to whether negotiations for passes from Barbary powers should be commenced, Oct. 1, 1778.
(With *Lee* and *Adams*) to *Sartine*. Permits and free passes to be given to Fagan to transport French merchandise to England, Oct. 2, 1778.
(With *Adams*) to *Embassador of Naples*. Acknowledgment of admission of American vessels into ports of Two Sicilies; stating the flags of the different States, Oct. 9, 1778.
(With *Lee* and *Adams*) to *Sartine*. As to question of Izard's goods captured on a ship; as to release of American seamen impressed in the *Fox* and *Lively*, recently captured, Oct. 12, 1778.
(With *Lee*, and *Adams*) to *Izard*. Inclosing Sartine's answer as to Izard's goods, Oct. 13, 1778.
(With *Lee* and *Adams*) to *Sartine*. Further application as to Izard's goods, Oct. 13, 1778.
(With *Lee* and *Adams*) to *Americans taken on board British frigates*. Inquiry as to details of their cases, Oct. 13, 1778.
(With *Lee* and *Adams*) to *Grand*. As to Cunningham and neutral duties, Oct. 13, 1778.
Attacks on by Izard, received in Congress, Oct. 15, 1778.
(With *Lee* and *Adams*) to *Dumas*. As to proposed treaty with Holland, Oct. 16, 1778.
(With *Lee* and *Adams*) to *Hartley*. As to exchange of prisoners, Oct. 20, 1778.
Commissioned and instructed by Congress, Oct. 21, 1778.
(With *Lee* and *Adams*) to *Izard*. Inclosing letter from Sartine, Oct. 22, 1778.
To *Hartley*. Terms of peace; independence essential to, Oct. 26, 1778.
From *Congress*. Instructions; independence must be acknowledged, and no peace without France; fidelity to France, Oct. 28, 1778. (See *R. H. Lee* and *Lovell* to *Franklin*, Oct. 28, 1778.)
(With *Lee* and *Adams*) to *Van Berckel*. Asking for an interview with him, Oct. 29, 1778.
(With *Lee* and *Adams*) to *Vergennes*. Announcing readiness to exchange declarations as to eleventh and twelfth articles of treaty, Oct. 29, 1778.

FRANKLIN, B.—Continued.
(With *Adams*) to *Sartine.* As to opportunity of capturing British whale fishery off Brazil, Oct. 30, 1778. (See *Fisheries.*)
To *Grand.* Excusing Cunnigham, and calling attention to recent British outrages on the seas, Nov. 3, 1778.
(With *Lee* and *Adams*) to *President of Congress.* Inclosing documents; difficulties arising from want of funds; acknowledging communication from Ridley; improbability of British war alliances in Europe or of obtaining aid from Russia, Nov. 7, 1778.
(With *Lee* and *Adams*) to *Vergennes.* Asking for portraits of King and Queen, Nov. 12, 1778.
(With *Lee* and *Adams*) to *Sartine.* Inclosing papers; importance of French naval aid on American waters, Nov. 12, 1778.
(With *Lee* and *Adams*) to *Sartine.* As to relief of prisoners, Nov. 15, 1778.
To *Hartley.* As to exchange of prisoners, Nov. 29, 1778.
(With *Lee* and *Adams*) to *Price.* As to his entering into American service, Dec. 7, 1778.
From *Lowell,* Dec. 8, 1778.
(*See Lovell* to *Franklin,* same date.)
To *Priestley.* Explaining political position; refers to experiments; as to his son; political views, Jan. 1, 1779.
(With *Lee* and *Adams*) to *Vergennes.* Barbarity of British warfare in the United States; its end devastation; importance of powerful French fleet in America; the value of such intervention to France, Jan. 1, 1779.
(With *Lee* and *Adams*) to *Sartine.* As to relief of prisoners, Jan. 2, 1779.
To *Izard.* Declining further to advance salary, giving reasons, Jan. 4, 1779.
(With *Lee* and *Adams*) to *W. Lee.* Improbability of Congress in Germany which he could attend, Jan. 13, 1779.
To *Committee.* Explains advances of four thousand guineas to W. Lee and Izard, Jan. 15, 1779. (See *Izard* to *Congress,* Jan. 28, 1779, complaining of Franklin.)
(With *Lee* and *Adams*) to *Vergennes.* As to vessels waiting for convoy, Jan. 24, 1779.
To *Hartley.* Exchange of prisoners; noble conduct of France, Jan. 25, 1779.
(With *Lee* and *Adams*) to *Lloyd* and others. All French ports now open to American vessels; no information can now be given as to relations with Barbary powers; under treaty our vessels are entitled to privileges of most favored nations, Jan. 26, 1779.
From *Lovell,* Jan. 29, 1779.
(See *Lovell* to *Franklin,* same date.)
To *Lloyd.* Consular appointments are in Congress, Feb. 1, 1779.
To *Hartley.* Vindicating alliance with France, Feb. 3, 1779.
From *Lovell,* Feb. 8, 1779.
(See *Lovell* to *Franklin,* same date.)
(With *Adams*) to *Vergennes.* Asking for decision of the questions relative to the case of McNeal, of the *Mifflin* privateer, Feb. 9, 1779.
(With *Lee* and *Adams*) to *Schweighauser.* Consent given to return of plate to Countess of Selkirk, Feb. 10, 1779.
(With *Lee* and *Adams*) to *Paul Jones.* His leaving the *Ranger* and appointment of Simpson to command assented to, Feb. 10, 1779.
To *Williams.* His reception as minister at Versailles; settlement of Williams' accounts, Feb. 13, 1779.
"This court have confidence in him (Franklin) alone." *Adams* to *S. Adams,* Feb. 14, 1779.
To *Vergennes.* Announcing his appointment as sole minister, Feb. 14, 1779. (See *Adams.*)
(See *Adams to Vergennes,* Feb. 16, 1779.)

FRANKLIN, B.—Continued.
To *A. Lee.* Calling for papers, Feb. 18, 1779.
Character of, discussed. *Adams* to *Lovell*, Feb. 20, 1779.
From *A. Lee*, Feb. 21, 1779.
(See *A. Lee* to *Franklin*, same date.)
To *Hartley.* Has no faith in England, Feb. 22, 1779.
To *Paul Jones.* As to the Selkirk silver, Feb. 24, 1779.
To *Vergennes.* As to presentation at court; as to sailing of *Alliance* frigate, Feb. 25, 1779.
To *Sartine.* As to convoy and proposed sailing of the *Alliance*, Feb. 25, 1779.
To *Patrick Henry.* Purchases desired by Virginia failed through Arthur Lee's interference, Feb. 26, 1779.
To *Sartine.* As to reception of English prisoners, Mar. 2, 1779.
To *Vergennes.* Appealing for loan, Mar. 9, 1779.
Circular from, respecting Captain Cook, Mar. 10, 1779.
To *A. Lee.* As to papers; stating that in consequence of the latter's charges against Williams' accounts they have been referred to a committee of merchants for examination, Mar. 13, 1779.
To *Blake et al.* Asking them to examine accounts of Williams, Mar. 13, 1779. (See Apr. 18, 1779.)
To *Williams.* As to reference of accounts, Mar. 16, 1779.
To *Vergennes.* As to loans and Chaumont's position, Mar. 17, 1779.
To *Dumas.* As to propositions of Neufville, and W. Lee's views as to German congress, Mar. 18, 1779.
To *Williams.* As to accounts; as to A. Lee's views of accounting; as to Beaumarchais, Mar. 19, 1779.
From *A. Lee*, Mar, 19, 1779.
(See *A. Lee* to *Franklin*, same date.)
To *Hartley.* No peace without independence, Mar. 21, 1779.
To *La Fayette.* Unprotectedness of British sea-coast, Mar. 22, 1779.
Criticised. *W. Lee* to *Committee*, Mar. 25, 1779.
To *A. Lee.* As to Grand's accounts; criticises A. Lee's statements as to those accounts; proposes to refer Williams' accounts to referees, Mar. 27, 1779.
To *A. Lee.* As to copies of papers, Mar. 29, 1779.
To *Sayre.* As to his performances at Stockholm; has no appointment to give him, Mar. 31, 1779.
To *W. Lee.* As to contracts for supply of arms, Apr. 2, 1779.
To *Adams.* As to the *Alliance* and her cargo; has been laid up by gout, but was able to be presented at court, Apr. 3, 1779.
To *Williams.* As to accounts, Apr. 8, 1779.
To *Joseph Wharton et al.* Asking them to act as referees, Apr. 8, 1779.
To *Adams.* As to preparations for sailing in the *Alliance*, Apr. 8, 1779.
To *Johnson.* As to Lee's application for arms, Apr. 8, 1779.
To *Sartine.* As to Americans captured by France from British ships, Apr. 18, 1779.
Action of Congress as to his differences with other ministers abroad, Apr. 16, 20, 30, May 3, June 10, 1779. (See Introduction, §§ 126, 145, 149).
From *Hartley.* Apr. 18, 22, 1779.
(See *Hartley* to *Franklin*, same date.)
To *Sartine.* As to Landais and the *Alliance*, Apr. 23, 1779.
To *Vergennes.* Complaining of admiralty proceedings at Martinique, and as to British seizures by revolt, Apr. 28, 1779.
To *Paul Jones.* Instructions, Apr. 28, 1779.
To *Vergennes.* As to arms, etc., for Maryland and Virginia, May 3, 1779.
To *Hartley.* Vindicating French alliance, May 4, 1779.

FRANKLIN, B.—Continued.
To *Adams*. On sailing for America; commends Luzerne, May 10, 1779.
To *Sartine*. As to release of Americans captured by British, May 10, 1779.
To *Congress*. Reports his reception by French court; agreement as to exchange of prisoners; French plan of campaign; explains non-payment of salaries of Izard and W. Lee; difficulty of obtaining funds; movements of La Fayette, May 26, 1779. (See, as to loan, letter of June 1, 1779.)
To *Gales*. Good effects of Burgoyne's surrender, June 2, 1779.
To *Marine Committee*. Difficulties as to the *Alliance;* burden on him of naval duties; complication and expense thereof, June 2, 1779.
To *Lovell*. His silence during attacks on him by Izard and Lee; recommends Luzerne, June 2, 1779.
To *Bache*. Hopes that his grandson, Temple, may remain with him as secretary, June 2, 1779.
To *Carroll*. Introducing Luzerne; difficulty of correspondence; as to supply of artificers, June 3, 1779.
To *Mrs. Bache*. As to family affairs; his dependence on his grandson; importance of economy, June 3, 1779.
To *Council of Massachusetts Bay*. As to La Fayette, and other officers, June 4, 1779
To *Jay*. Futility of Canada expedition; recommending Jay, June 9, 1779.
Lovell's views as to difficulties at Paris. *Lovell* to *Adams*, June 13, 1779.
Exclusive mission of, in Paris approved by French Government. *Conference of Congress* with *Gerard*, July 5, 1779.
To *Gillon*. As to naval movements, July 5, 1779.
To *Williams*. As to settlement of his acounts, July 8, 1779.
To *Jones*. As to the latter's naval movements, July 8, 1779.
From *Lovell*, July 9, 1779.
(See *Lovell* to *Franklin*, same date.)
From *Lovell*, July 16, 1779.
(See *Lovell* to *Franklin*, same date.)
From *Congress*, Aug. 14, 1779.
(See *Congress* to *Franklin*, same date.)
From *A. Lee*, Aug. 14, 1779.
(See *A. Lee* to *Franklin*, same date.)
To *La Fayette*. Perversity of English statesmen; friendliness of French; difficulties of correspondence, Aug. 19, 1779.
From *La Fayette*, Aug. 29, 1779.
(See *La Fayette* to *Franklin*, same date.)
From *Dumas*, Sept. 14, 1779.
(See *Dumas* to *Franklin*, same date.)
To *Schweighäuser;* exorbitance of latter's charges; accounts; Swedish claim for damages; care of sick prisoners; aid should be given destitute prisoners, Sept. 17, 1779.
Criticised by *Adams* to *McKean*, Sept. 20, 1779.
To *Nesbit*. Measures taken for Cunningham's relief, Sept. 29, 1779.
To *Lovell*. His salary paid out in the public service, Sept. 30, 1779.
To *A. Lee*. Approving of his return to America, Sept. 30, 1779.
To *La Fayette*. As to W. T. Franklin, and also as to American news, Oct. 1, 1779.
To *Congress*. Reporting his action as to the legation; as to affairs abroad; as to exchange of prisoners; as to Beaumarchais, Oct. 4, 1779.
To *Paul Jones*. Giving advice, Oct. 15, 1779.
To *Neufville*. As to Paul Jones and other business matters, Oct. 15, 1779.
To *Landais*. Requiring him to meet certain charges, Oct. 15, 1779.
To *Navy Commissioners*. Narrating Paul Jones' exploits, Oct. 17, 1779.
To *Lovell*. Asking for auditing of his accounts and giving general information. Oct. 17 1779.

FRANKLIN, B.—Continued.
To *Sartine.* As to wages and prize-money in certain cases, Oct. 19, 1779.
To *Austin.* As to Paul Jones' successes and other naval affairs, Oct. 20, 1779.
To *Commercial Committee.* Caution as to drafts, Oct. 21, 1779.
To a "*Friend in America.*" As to political affairs, Oct. 25, 1779.
To *Le Brun.* As to A. Lee's return to the United States and Cunningham's probable exchange, Oct. 25, 1779.
To *Cooper.* Efficiency of our privateers; England's obduracy; importance of economy; friendliness of Europe, Oct. 27, 1779.
To *La Fayette.* As to American campaign, Nov. 10, 1779.
To *Vergennes.* Holtzendorff's case; irregularity of Deane's engagements with French officers, Dec. 8, 1779.
From *Adams,* Dec. 8, 1779.
(See *Adams* to *Franklin,* same date.)
From *J. P. Jones,* Dec. 13, 1779.
(See *J. P. Jones* to *Franklin,* same date.)
To *Bernstoff.* Protesting against Danish seizures, Dec. 22, 1779.
From *Jay,* Dec. 27, 1779.
(See *Jay* to *Franklin,* same date.)
To *Johnson.* Probabilities of Maryland obtaining military stores; Americans settling in Paris are subject to French laws, Dec. 29, 1779.
To *Williams.* As to orders of goods, Jan. 9, 1780.
To *Hodgson.* As to exchange and relief of prisoners, Jan 20, 1780.
From *Jay,* Jan. 26, 1780.
(See *Jay* to *Franklin,* same date.)
To *Dumas.* Advice as to conduct in Holland, Jan. 27, 1780.
To *Carmichael.* As to personal affairs; Spain; A. Lee; Jan. 27, 1780.
To *Hartley.* Destruction preferable to abandonment of allies; exchange of prisoners; British barbarities, Feb. 2, 1780.
To *Congress.* Exploits of Paul Jones; his quarrel with Landais; exchange of prisoners, Feb. 4, 1780.
To *Dowlin.* As to his capture of prisoners, Feb. 9, 1780.
To *Lee* and *Izard.* As to their passage in the *Alliance,* Feb. 19, 1780.
To *White et al.* As to detention by Denmark, Feb. 21, 1780.
To *Jay.* As to advances, etc., Feb. 22, 1780.
To *Carmichael.* As to accounts, Feb. 22, 1780.
From *Lovell,* Feb. 24, 1780.
(See *Lovell* to *Franklin,* same date.)
To *Hodgson.* As to exchange and relief of prisoners, Feb. 26, 1780.
To *Wren.* As to relief of prisoners and thanking him for his kindness to American prisoners in England, Feb. 26, 1780.
To *Paul Jones.* As to the *Alliance* and her passengers; as to Landais and Bancroft, Mar. 1, 1780.
To *Luzerne.* Personal relations; Spanish naval reverses; effect of war on France, Mar. 5, 1780.
To *Washington.* Commends La Fayette and speaks of Washington with admiration and affection, Mar. 5, 1780.
From *Bernstoff,* Mar. 8, 1780.
(See *Bernstoff* to *Franklin,* same date.)
To *Navy Board.* As to misconduct of Landais, Mar. 15, 1780.
To *Cooper.* Importance of French alliance, Mar. 16, 1780.
To *Lovell.* As to condition of war, Mar. 16, 1780.
To *Griffin.* As to American hospitality, Mar. 16, 1780.
To *Reed.* Denial of approval of Pulteney's plan of peace, Mar. 19, 1780.

FRANKLIN, B.—Continued.
From *Jay*, Mar. 20, 1780.
(See *Jay* to *Franklin*, same date.)
To *Sartine*. As to misconduct of Landais, Mar. 20, 1780.
To *Carmichael*. As to La Fayette; notices attacks of A. Lee; cordiality of France; Adams in Paris, but does not say what is his mission; as to Bancroft's agency; leave-taking of Lee and Izard, Mar. 31, 1780.
To *Jay*. As to accounts; Danish negotiations, Apr. 7, 1780.
To *Hodgson*. As to relief of prisoners, Apr. 11, 1780.
To *Adams*. As to nomination of Williams as agent for Maryland, Apr. 22, 1780.
To *Dumas*. Gives personal advice, Apr. 23, 1780.
From *Jay*, Apr. 27, 1780.
(See *Jay* to *Franklin*, same date.)
To *Williams*. As to accounts, May 10, 1780.
To *Vergennes*, May 11, 1780.
(See *Vergennes* to *Franklin*, same date.)
To *Vergennes*. As to ship *Alliance;* exchange of prisoners, May 16, 1780.
To *French Admiralty*. As to ship *Flora*, May 16, 1780.
To *Cruisers*. Instructed not to capture Dutch ships, May 30, 1780.
To *Sartine*. As to forwarding supplies, May 30, 1780.
To *Torris*. Adopts rule that "free ships make free goods," May 30, 1780.
To *Congress*. Supplies to be forwarded by ship *Alliance;* financial difficulties of the United States; medal of Fleury; relations to Denmark; adoption advised of rule that "free ships make free goods;" difficulties in exchange of prisoners, May 31, 1780.
(See *Franklin* to *Dumas*, June 5, 1780.)
To *Congress*. Recommending Paul Jones, June 1, 1780.
To *Morris*. As to armed neutrality, June 3, 1780.
To *Dumas*. Advice in business matters, June 5, 1780.
To *Landais*. As to his misconduct, June 7, 1780.
To *Jay*. Importance of conferences between ministers; general political remarks, June 13, 1780.
To *Vaughn*. As to books sent; Lord Tankerville's case; fatuity of British ministry, June 15, 1780.
To *Landais*. Ordering him to quit the *Alliance*, June 16, 1780.
To *Officers of Alliance*. Ordering them to receive Jones as captain, June 16, 1780.
To *Jones*. Telling him that the order to receive A. Lee as passenger is withdrawn if Lee's conduct leads to mutiny, June 17, 1780.
To *Nesbit*. As to trouble on the *Alliance*, June 17, 1780.
To *Carmichael*. As to Sir J. Dalrymple; La Fayette; current political and social events, June 17, 1780.
To *Vergennes*. As to ships *Flora* and *Black Princess;* seizing enemy's goods on neutral ships in this case sustained, June 18, 1780.
To *Dumas*. Business advice, June 22, 1780.
From *Adams*, June 22, 1780.
(See *Adams* to *Franklin*, same date.)
To *Johnson*. As to accounts, June 22, 1780.
To *Congress*. As to depreciation of currency, June 26, 1780.
To *Sartine*. As to brigantine *Fair Play*, June 27, 1780.
From *Adams*, June 29, 1780.
(See *Adams* to *Franklin*, same date.)
From *Vergennes*, June 30, 1780.
(See *Vergennes* to *Franklin*, same date.)
To *Vergennes*. Attachment of United States to France; protection to Frenchmen in United States, July 10, 1780.

FRANKLIN, B.—Continued.
From *Lovell.* Requesting him to aid Laurens in obtaining loans and to use further efforts, July 11, 1780.
From *Hartley,* July 17, 1780.
(See *Hartley* to *Franklin,* same date.)
To *Vergennes.* Approving action of French courts as to the *Flora*; will not in future grant commissions to French subjects as privateers, July 25, 1780.
To *Dumas.* Loss of Charleston not so serious; difficulties between Paul Jones and Landais, July 26, 1780.
From *Vergennes,* July 31, 1780.
(See *Vergennes* to *Franklin,* same date.)
To *Congress.* Difficulties in respect to the *Alliance,* Captain Landais, and broils in which her officers and seamen were engaged; Captain Jones goes home in the *Ariel,* which, with another ship, is freighted with stores; want of authority over armed ships the cause of difficulty; difficulties between Adams and Vergennes, ending with Vergennes declining to correspond with Adams, the difference between Adams and Franklin being as to the attitude to be assumed to France, the former less, the latter more conciliatory; funds for diplomatic expenses are exhausted; bills in favor of Beaumarchais have been paid; principles of armed neutrality likely to be established, Aug. 9, 1780.
To *Congress.* State of European politics; forwarding supplies; payment of interest; drafts should not be drawn without funds; fate of *Black Princess;* consuls should be appointed; asks for copies of any charges by Lee and Izard, Aug. 10, 1780.
To *Lewis.* Troubles about the *Alliance;* sailing without full cargo, Aug. 10, 1780.
To *Lovell.* Difficulties in maintaining punctual correspondence, Aug. 10, 1780.
From *Lovell,* Aug. 15, 1780.
(See *Lovell* to *Franklin,* same date.)
To *Vergennes.* As to recalling commission of *Black Princess,* Aug. 15, 1780.
From *Neufville,* Aug. 17, 1780.
(See *Neufville* to *Franklin,* same date.)
To *Vergennes.* As to consular functions, Sept. 7, 1780.
From *Lovell,* Sept. 7, 1780.
(See *Lovell* to *Franklin,* same date.)
To *Dumas.* As to Dumas' relations to Congress; anxiety as to Laurens; Searle's visit to Holland, Oct. 2, 1780.
To *Adams.* Prospects of campaign; credit abroad depends more upon what we do than what we say, Oct. 2, 1780.
To *Jay.* Has succeeded, though with difficulty, in obtaining funds in France to pay bills drawn on Jay; credit obtained for Jay in Madrid; encouraging news from America, Oct. 2, 1780.
From *Dumas,* Oct. 3, 1780.
(See *Dumas* to *Franklin,* same date.)
From *Jay,* Oct. 5, 1780.
(See *Franklin* to *Jay,* same date.)
To *Adams.* Financial difficulties; refers to Adams' differences with Virgennes, and says if Adams' expressions were inadvertent, they may be explained, Oct. 8, 1780.
To *Dumas.* As to current events; introduces Searle, Oct. 9, 1780.
From *Adams,* Oct. 14, 1780.
(See *Adams* to *Franklin,* same date.)
To *Adams.* Asking with regard to obtaining loan in Holland, Oct. 20, 1780.
From *Adams,* Oct. 24, 1780.
(See *Adams* to *Franklin,* same date.)

FRANKLIN, B.—Continued.
From *Jay*, Oct. 25, 1780.
(See *Jay* to *Franklin*, same date.)
From *Lovell*. Calling his attention to instruction to Jay as to western boundaries, Oct. 28, 1780.
From *Jay*, Oct. 30, 1780.
(See *Jay* to *Franklin*, same date.)
To *S. Wharton*. As to latter's return to America and other matters, Nov. 1, 1780.
From *Adams*, Nov. 4, 1780.
(See *Adams* to *Franklin*, same date.)
To *Sir G. Cooper*. Remonstrating against ill treatment of Laurens, Nov. 7, 1780.
To *Vergennes*. Application for aid, Nov. 19, 1780.
From *Adams*, Nov. 24, 1780.
(See *Adams* to *Franklin*, same date.)
From *Congress*, Nov. 24, 1780.
(See *Congress* (or *Huntington*) to *Franklin*, same date.)
From *Cooper*. In reply, denying charges of maltreatment, Nov. 27, 1780.
From *Congress*. Instructions as to obtaining further aid and as to consul at Morocco, Nov. 28, 1780.
To *Searle*. As to Arnold's treachery, Nov. 30, 1780.
From *Adams*, Nov. 30, 1780.
(See *Adams* to *Franklin*, same date.)
To *Congress*. Stating that he has promised that the States would engage to furnish provisions to the French forces in America in exchange for money loaned to the amount of $400,000, Dec. 2, 1780.
To *Lovell*. Paul Jones has been driven back in the *Ariel* in a storm, but is refitting, Dec. 2, 1780.
To *Congress*. Position of Laurens somewhat relieved; difficulties arising from British seizure of his papers; unexpected delays in forwarding supplies; Sartine supplanted by Castries; dangers arising from failure to provide funds; complaint of seizure of a Portuguese ship by the *Mars*, a Massachusetts privateer, Dec. 3, 1780.
To *Dumas*. Financial difficulties; anxiety as to the course Holland will take under Yorke's insult, Dec. 3, 1780.
Commendations, of in the highest terms and deprecation of assaults on him. *Vergennes* to *Luzerne*, Dec. 4, 1780.
To *La Fayette*. Political prospects, Dec. 9, 1780.
To *Chaumont*. As to differences in accounting with Williams, Dec. 11, 1780.
From *Lovell*, Dec. 21, 1780.
(See *Lovell* to *Franklin*, same date.)
From *Congress*. Additional instructions, mentioning instructions to John Laurens, Dec. 27, 1780.
To *Dumas*. As to affairs in Holland; barbarity of the British treatment of Holland; has still confidence in Deane; warring at sea on all mankind is piracy, and is not this the British course of pouncing, without declaration of war, on foreign ships? Jan. 18, 1781.
To *Jay*. As to difficulty in loans; as to Jay's position in Spain; good news from America; the Mississippi River not to be sold to Spain, Jan. 27, 1781.
From *Congress*, Feb. 5, 1781.
(See *Congress* (*Hanson*) to *Franklin*, same date.)
From *Carmichael*, Feb. 6, 1781.
(See *Carmichael* to *Franklin*, same date.)
To *Vergennes*. Letters of Congress to the King; instructions of Congress that the United States are resolved on independence, and asking aid; affairs in America critical; supplies and naval supremacy imperatively necessary; Spain fails to furnish aid and supply of money Feb. 13, 1781.

FRANKLIN, B.—Continued.
From *Adams*, Feb. 15, 1781.
(See *Adams* to *Franklin*, same date.)
From *Adams*, Feb. 20, 1781.
(See *Adams* to *Franklin*, same date.)
From *Jay*, Feb. 21, 1781.
(See *Jay* to *Franklin*, same date.)
To *Adams*. Strong applications for money; will accept bills and do his best to provide payment, Feb. 22, 1781.
To *Adams*. Great danger of bankruptcy; bills drawn without funds, Feb. 22, 1781.
From *Carmichael*, Feb. 28, 1781.
(See *Carmichael* to *Franklin*, same date.)
To *Vergennes*. Asks what supplies can be sent to America, Mar. 6, 1781.
From *Committee*, Mar. 9, 1781.
(See *Committee* (or *Lovell*) to *Franklin*, same date.)
To *Rayneval*. Giving list of most-needed supplies, Mar. 11, 1781.
To *Congress*. Answer of Vergennes to the request for supplies; France gives six millions to the United States; France declines the offer of mediation unless her allies accept, and advises that America do so; asks to be relieved from his position on account of ill health; recommends his grandson; desires his his accounts examined. *Franklin* to *Congress*, Mar. 12, 1781.
From *Carmichael*, Mar. 12, 1781.
(See *Carmichael* to *Franklin*, same date.)
To *Lewis and the Board of Admiralty*. Account of the squadron and expedition of J. P. Jones; cause of delay of the *Alliance;* A. Lee and Commodore Gillon advise Captain Landais to take possession of the *Alliance;* need of consuls at sea-ports; desire of France that this expedition should appear an American enterprise; Chaumont made trustee by the captains; disposition of prizes and ransom, Mar. 17, 1781.
Advises Dana to follow Vergennes' advice as to presenting himself at Russia; which, however, Dana declines to do. *Dana* to *Congress*, Mar. 21, 1781.
To *Coffin*. Imprisonment of Cunningham; action as to certain claims, Mar. 23, 1781.
Confidence reposed in him by French court. *Luzerne* to *Congress*, Mar. 24, 1781.
From *Carmichael*, Mar. 30, 1781.
(See *Carmichael* to *Franklin*, same date.)
From *Lovell*, Mar. 31, 1781.
(See *Lovell* to *Franklin*, same date.)
Views of, as to Dana's course in Russia. *Dana* to *Congress*, Mar. 31, 1781. (See *Franklin* to *Dana*, Apr. 7, 1781.) (His opinions contravened by Adams. *Adams* to *Dana*, Apr. 18, 1781.)
From *Jay*. Jay obliged to let bills go to protest; has depended on Franklin's good offices for support; must continue drawing on Franklin, Apr. —, 1781.
To *Hodgson*. Digges's rascality; efforts to relieve prisoners, Apr. 1, 1781.
From *Dana*, Apr. 6, 1781,
(See *Dana* to *Franklin*, same date.)
To *Dana*. Answer to Dana's questions as to sentiments of Vergennes upon the mission to Russia; his own opinions on that subject, Apr. 7, 1781.
To *Adams*. Arnold's bribe; prospect of funds, Apr. 7, 1781.
To *Jay*. As to funds; armed neutrality; positions of Dana and of Adams as to their missions; views as to peace; desires Congress to relieve him from service on account of his age, etc.; would like to be succeeded by Jay; arrangement for paying Jay's bills, Apr. 12, 1781.

FRANKLIN, B.—Continued.

To *Carmichael*. His position as to his enemies; falls back on maxim of Charles V: "I and time 'gainst any two, chance and I 'gainst time and you;" asks as to certain books, Apr. 12, 1781. (As to ovation near Paris, see note by Sparks to Franklin's letter to Carmichael, Apr. 12, 1781.)

From *Adams*. As to latter's failure to borrow money in Holland, Apr. 16, 1781.

From *Carmichael*, Apr. 20, 1781.

(See *Carmichael* to *Franklin*, same date.)

To *Adams*. Will provide for his acceptances, and asks for a joint letter to Congress urging that no more bills be drawn without funds, Apr. 21, 1781.

"I have reason to be perfectly satisfied with his (Franklin's) conduct towards me, and that I have received from him all the aid and attention I could wish or expect. His character is very high here (Madrid), and I really believe that the respectability which he enjoys throughout Europe has been of general use to our cause and country." *Jay* to *Congress*, Apr. 25, 1781.

From *Adams*, Apr. 27, 1781.

(See *Adams* to *Franklin*, same date.)

To *Adams*. As to certain intercepted letters, Apr. 29, 1781.

To *Jay*. As to acceptance of his drafts, May 5, 1781.

From *Adams*, May 8, 1781.

(See *Adams* to *Franklin*, same date.)

From *Lovell*, May 9, 1781.

(See *Lovell* to *Franklin*, same date.)

To *Dana*. As to expenses of latter's mission, May 11, 1781.

To *La Fayette*. Good wishes for his success against Arnold; the bargain made by the latter; hopes soon to be relieved from the burdens of his post; hopes much from Laurens' mission; success of privateers, May 14, 1781.

To *Congress*. Energy of John Laurens; condition of accounts; heavy financial duties imposed on Franklin; increase of prisoners in England, May 16, 1781.

To *Lewis*. Difficulties as to accounts, May 16, 1781.

From *Lovell*, May 17, 1781.

(See *Lovell* to *Franklin*, same date.)

To *Adams*. Surprise at Congress continuing to draw additional bills without funds; France can not be further relied on for aid; America should lay a duty on exportation of tobacco to pay the interest on her debts; hopes to be soon relieved from his duties as "merchant, banker, judge of admiralty," etc., May 19, 1781.

From *Adams*, May 23, 1781.

(See *Adams* to *Franklin*, same date.)

From *Jay*, May 31, 1781.

(See *Jay* to *Franklin*, same date.)

To *Vergennes*. Earnest appeal for funds, June 4, 1781.

To *Adams*. As to accounts, June 6, 1781.

From *Vergennes*, June 8, 1781.

(See *Vergennes* to *Franklin*, same date.)

From *Morris*, June 8, 1781.

(See *Morris* to *Franklin*, same date.)

To *Vergennes*. Renewal of earnest appeal for funds to save bills from disgrace; condition of Laurens' accounts, June 10, 1781.

To *Vergennes*. As to Toussard's pension, June 11, 1781.

To *Adams*. As to what are properly diplomatic expenses, June 11, 1781.

To *Congress*. Difficulties as to drafts, June 11, 1781.

To *Congress*. Confusion as to Beaumarchais' accounts; conflict of opinion as to whether what he sent was a gift or a sale; important for him to make out his case, June 12, 1781. (See Introduction, §§ 61 ff.

FRANKLIN, B.—Continued.
From *Congress*, June 19, 1781.
(See *Huntington* (or *Congress*) to *Franklin*, same date.)
To *Cunningham*. As to his release and settlements, June 20, 1781.
From *Carmichael*, June 26, 1781.
(See *Carmichael* to *Franklin*, same date.)
To *Vergennes*. Inclosing "peace letter," June 27, 1781.
To *Jackson*. As to accounts, June 29, 1781.
From *Jackson*, June 29, 1781.
(See *Jackson* to *Franklin*, same date.)
To *Hartley*. As to peace, June 30, 1781.
To *Jay*. As to inability to pay bills, June 30, 1781.
To *Adams*. Asking him to accept no further bills without advice; embarrassments from the disbursements of Laurens, June 30, 1781.
From *Jackson* (three letters), July 2, 1781.
(See *Jackson* to *Franklin*, same date.)
To *Vergennes*. As to loans, July 6, 1781.
To *Jackson*. As to Laurens' disbursements and engagements, July 6, 1781.
From *Jay*, July 9, 1781.
(See *Jay* to *Franklin*, same date.)
To *Congress*. Pressure of bills for which he has no funds, July 11, 1781.
From *Morris*, July 14, 1781.
(See *Morris* to *Franklin*, same date.)
From *Morris*, July 19, 1781.
(See *Morris* to *Franklin*, same date.)
From *Morris*, July 21, 1781.
(See *Morris* to *Franklin*, same date.)
From *Lovell*, July 21, 1781.
(See *Lovell* to *Franklin*, same date.)
To *Morris*. Concerning his appointment, and offering him assistance; as to financial arrangements, July 26, 1781.
To *Dumas*. As to his position in Holland, Aug. 6, 1781.
To *Adams*. As to his account for salary, Aug. 6, 1781.
To *Brown*. As to Jay's pamphlet and Digges' villainy, Aug. 6, 1781.
To *Dumas*. Recent events in the United States; views of Holland, Aug. 10, 1781.
To *Adams*. As to Greene's success in South Carolina, Aug. 12, 1781.
To *Adams*. Congress declines to accept his resignation and appoints him joint peace commissioner, Aug. 16, 1781.
To *Carmichael*. Congress declines to accept Franklin's resignation and places him on the peace commission; satisfaction felt at this mark of confidence, Aug. 24, 1781.
From *Morris*, Aug. 28, 1781.
(See *Morris* to *Franklin*, same date.)
To *Jay*. As to accounts; as to Vaughan's oath of allegiance; want of intelligence Talbot's case; claims of prisoners; Digges' embezzlements; financial difficulties; peace commission; mediation of Russia; news from Holland; news from America, Aug. 30, 1781.
To *Adams*. Embarrassment from pressure of bills drawn by Congress, Aug. 31, 1781.
To *Jay*. Fears that he will not be able to take up the bills drawn on the latter; refusal of the French court to give further aid, Sept. 4, 1781.
To *Jay*. As to mediation; desires to see him in Paris, Sept. 9, 1781.
To *Morris*. Overdrawing of bills by Congress; want of funds to meet them; misconduct of Captain Gillon, Sept. 12, 1781.

FRANKLIN, B.—Continued.
To *Bache.* Instructing him to obtain certain papers in the hands of Galloway, Sept. 13, 1781.
To *Congress.* Accepts appointment as peace commissioner; his health improved; satisfaction of Vergennes with the peace instructions, Sept. 13, 1781.
To *Lovell.* As to exchange of Curson, Gouverneur, and Witherspoon, Sept. 13, 1781.
As to bills drawn on. *Luzerne* to *Congress*, Sept. 21, 1781.
To *Jay.* As to accounts for salaries and other details, Sept. 29, 1781.
From *Adams* (two letters), Oct. 4, 1781.
(See *Adams* to *Franklin*, same date.)
To *Adams.* Refers to the new commission of peace received from Congress; no immediate prospect of action; trusts that the Dutch loan will enable him to meet Adams' heavy acceptances, Oct. 5, 1781.
To *Adams.* As to Gillon's difficulties and other business matters, Oct. 16, .1781
To *Jackson.* As to Gillon's misconduct, Oct. 16, 1781. (See *Gillon.*)
From *Livingston*, Oct. 20–24, 1781.
(See *Livingston* to *Franklin*, same date.)
From *Livingston.* Urging him to withdraw his resignation, Oct. 25, 1781.
To *Congress.* As to exchange of prisoners; British severity in such cases; mediation refused by Britain, as she will only treat with the United States as subjects; great absorption of funds in his hands; doubts as to Captain Gillon's capacity; improvident purchases made in Holland under Colonel Laurens; bad management in sending over supplies; should be a maritime agent appointed for the purpose; friendliness of France, but that friendliness should not be overburdened, Nov. 5, 1781.
To *Morris.* Self-support essential to independence; no large remittances to be expected from Europe; private loans can not be secured; Spain's financial troubles; great drain on France and failure of revenue; economy the basis of all true government; heavy deductions to come from Dutch loan; France has not guarantied payment of interest bills; approves of Morris' scheme for bank, Nov. 5, 1781.
To *Adams.* Letters in post inspected on the road; British Government in no hurry to exchange Burgoyne for Laurens; difficulty in providing funds to meet payment of bills; expense of prisoners returning to the United States' mediation, acceptance of, involves no submission to the mediator's judgment, though it may give him undue influence; imprudent actions of Captain Jackson in overpurchase of goods; indiscretion of Captain Gillon; his great difficulty in raising money; mistakes of Neufville; Congress should never draw without certainty of funds, Nov. 7, 1781; Nov. 26, 1781.
To *Laurens.* As to Franklin's grandson, whom he is unwilling to part with; explanation of misconduct of Laurens' agents in shipping goods in Holland, Nov. 8, 1781.
To *Hodgson.* Supplying funds for Laurens, then in Tower, Nov. 19, 1781.
To *Witherspoon.* As to his son's release, Nov. 19, 1781.
To *Vergennes.* Congratulations on surrender of Cornwallis, Nov. 20, 1781.
To *Vaughan.* Sends £100 for the relief of Laurens; as to Laurens' exchange; Vaughan's marriage and his brother, Nov. 22, 1781.
To *Adams.* As to business matters, Nov. 23, 1781.
From *Livingston*, Nov. 24, 1781.
(See *Livingston* to *Franklin*, same date.)
From *Livingston*, Nov. 25, 1781.
(See *Livingston* to *Franklin*, same date.)
To *Adams.* Misconduct of parties concerned in shipments from Holland; moral effect of Cornwallis' victory, Nov. 26, 1781.
From *Adams*, Nov. 26, 1781.
(See *Adams* to *Franklin*, same date.)

FRANKLIN, B.—Continued.
From *Morris*, Nov. 27, 1781.
(See *Morris* to *Franklin*, same date.)
From *Morris*, Dec. 5, 1781.
(See *Morris* to *Franklin*, same date.)
To *Adams*. Objection to Neufville's course, Dec. 14, 1781.
To *Alexander*. Independence is a *sine qua non*, Dec. 15, 1781.
To *Hartley*. As to war, Dec. 15, 1781.
From *Alexander*, Dec. 15, 1781.
(See *Alexander* to *Franklin*, same date.)
From *Livingston*, Dec. 16, 1781.
(See *Livingston* to *Franklin*, same date.)
To *Adams*. As to payment of bills, Dec. 17, 1781.
To *Vergennes*. As to disposition of funds, Dec. 27, 1781.
To *Miss Laurens*. As to her father's situation in the Tower; measures for his relief and his petition to Parliament, Dec. 29, 1781.
From *Hartley*, Jan. 2, 1782.
(See *Hartley* to *Franklin*, same date.)
From *Livingston*. As to terms of peace, Jan. 7, 1782.
To *Morris*. Danger of overdrafts, Jan. 9, 1782.
To *Hartley*. In negotiating for peace, America would "spurn the thought of deserting a noble and generous friend for the sake of a truce with an unjust and cruel enemy;" no truce is admissible; Lord North to be informed of this, Jan. 15, 1782.
(Replied to by Hartley, Jan. 24, 1782.)
To *Vergennes*. As to fraudulent use of Dutch colors by British vessels, Jan. 18, 1782.
To *Jay*. Financial difficulties from overdrafts; France can not be unduly urged; loan in Holland absorbed by advances; complaining of conduct of Spain; advices as to Jay's course; as to proper charges for salary, etc.; Deane's wrong course and probable defection; English desire for a separate peace, Jan. 19, 1782.
To *Bache*. Introducing John Vaughan, Jan. 19, 1782.
To *Jay*. Financial difficulties; unfriendly attitude of Spain; diplomatic expenses; Jay's kindness; Deane's mischievous course; triumph at Yorktown; views as to peace, Jan. 19, 1782.
To *Carmichael*. Barclay's arrival as consul; money difficulties, Jan. 23, 1782.
From *Livingston*, Jan. 23, 1782.
(See *Livingston* to *Franklin*, same date.)
From *Adams*, Jan. 25, 1782.
(See *Adams* to *Franklin*, same date.)
From *Livingston*, Jan. 26, 1782.
(See *Livingston* to *Franklin*, same date.)
To *Morris*. As to difficulty in obtaining loans (two letters), Jan. 28, 1782.
To *Vergennes*. Asking for a statement for Morris, Feb. 1, 1782.
To *Vergennes*. Commending Du Portail, Feb. 2, 1782.
To *Adams*. As to acceptances, Feb. 4, 1782.
From *Congress*. Instructed to take formal action to realize Dutch loan. *Hanson* (President of Congress), to *Franklin*, Feb. 5, 1782.
To *Cunningham*. As to papers; Digges' villainy, Feb. 6, 1782.
To *Adams*. Embarrassment as to drafts, Feb. 12, 1782.
From *Livingston*, Feb. 13, 1782.
(See *Livingston* to *Franklin*, same date.)
To *Vergennes*. As to accounts, Feb. 15, 1782.

FRANKLIN, B.—Continued.
To *Hartley*. No pacification with England except on acknowledgment of independence and in concert with France, Jan. 15, 24; Feb. 16, 1782.
From *Adams*, Feb. 20, 1782.
(See *Adams* to *Franklin*, same date.)
From *Vergennes*, Feb. 27, 1782.
(See *Vergennes* to *Franklin*, same date.)
From *Burke*, Feb. 28, 1782.
(See *Burke* to *Franklin*, same date.)
From *Hartley*, Feb. 28, 1782.
(See *Hartley* to *Franklin*, same date.)
To *Vergennes*. As to Danish claims, Mar. 3, 1782.
To *Livingston*. Popularity of La Fayette; friendliness of France; Arnold in England; Deane's apostacy; probabilities of peace, Mar. 4, 1782.
To *Morris*. Financial problems; Gillon's misconduct; difficulties as to Holland purchases; Captain Barry's course, Mar. 4, 1782.
To *Morris*. Financial complications; difficulty in forwarding goods; growing prospects of peace; importance of strong efforts, Mar. 9, 1782.
From *Livingston*, Mar. 9, 1782.
(See *Livingston* to *Franklin*, same date.)
From *Hartley*, Mar. 11, 12, 1782.
(See *Hartley* to *Franklin*, same date.)
To *Adams*. Improved public tone in England, Mar. 11, 1782.
To *Jay*. Payment of drafts; better feeling in England, Mar. 16, 1782.
From *Hartley*, Mar. 21, 1782.
(See *Hartley* to *Franklin*, same date.)
From *Digges*, Mar. 22, 1782.
(See *Digges* to *Franklin*, same date.)
To *Rayneval*. Inclosing papers, etc., Mar. 22, 1782.
To *Williams*. As to transport of goods; prospects of peace, Mar. 23, 1782.
From *Morris*, Mar. 23, 1782.
(See *Morris* to *Franklin*, same date.)
From *Adams*, Mar. 26, 1782.
(See *Adams* to *Franklin*, same date.)
To *La Fayette*. As to release of American prisoners, Mar. 28, 1782.
To *Morris*. As to course of Captain Barry; as to transport of goods; financial difficulties; change of British policy; Deane's disgrace; his accounts, Mar. 30, 1782.
To *Livingston*. As to British policy, Mar. 30, 1782.
To *Adams*. Slowness of Dutch; probabilities of campaign, Mar. 31, 1782.
From *Hartley*, Mar. 31, 1782.
(See *Hartley* to *Franklin*, same date.)
To *Hartley*. As to peace, and refers him to the commissioners, Mar. 31, 1782.
To *Hartley*. Has no confidence in Digges; proposes release of prisoners, Apr. 5, 1782.
To *Chastellux*. Prospects of peace; French services in United States; personal compliments, Apr. 6, 1782.
To *Morris*. Change of ministry in England; visit of Prince Broglie to America, Apr. 8, 1782.
To *Livingston*. To same effect, Apr. 8, 1782.
To *Rayneval*. Prospects of peace, Apr. 12, 1782.
To *Livingston*. English proposals of peace to Dutch, Apr. 12, 1782.
To *Hartley*. British intrigues with France for separate peace, Apr. 13, 1782.
To *Adams*. To same effect, Apr. 13, 1782.
To *Vergennes*. On peace negotiations, Apr. 15, 1782 (given in *Franklin's journal*, under date of July 1, 1782).

FRANKLIN, B.—Continued.
From *Morris*, Apr. 17, 1782.
To *Shelburne*. As to peace, Apr. 18, 1782 (given in *Franklin's journal*, under date of July 1, 1782).
(See *Morris* to *Franklin*, same date.)
To *Adams* and *Laurens*, Apr. 20, 1782; *Shelburne* to, Apr. 20, 1782; to *Adams*, Apr. 21, 1722; and *Laurens* to, Apr. 20, 1782, are given in *Franklin's journal*, under date of July 1, 1782.
To *Jay*. Undertakes payment of bills drawn on Jay; urges *Jay's* attendance at Paris, Apr. 22, 1782.
From *Vergennes*, Apr. 23, 1782.
(See *Vergennes* to *Franklin*, same date.)
To *Jay*. British arrangement for exchange of prisoners; separate peace refused, Apr. 24, 1782.
Correspondence of, with Jay as to financial matters. Reported by *Jay* to *Livingston*, Apr. 28, 1782.
From *Hartley*, May 1, 1782.
(See *Hartley* to *Franklin*, same date.)
From *Adams*, May 2, 1782.
(See *Adams* to *Franklin*, same date, in *Franklin's journal*, under date July 1, 1782.)
From *Hartley*, May 3, 1782.
(See *Hartley* to *Franklin*, same date, in *Franklin's journal*, July 1, 1782.)
To *Vergennes*. Peace negotiations, May 4, 1782 (given in *Franklin's journal*, under date of July 1, 1782; and so of *Franklin* to *Adams*, of May 8, 1782, and of *Hartley* to *Franklin* of May 3, 1782).
From *Vergennes*, May 5, 1782.
(See *Vergennes* to *Franklin*, same date, in *Franklin's journal*, July 1, 1782.)
To *Shelburne* and *Grenville*, May 10, 1784 (given in *Franklin's journal*, under date of July 1, 1782).
To *Hartley*, May 13, 1782, and *Hartley* to *Franklin*, of same date, are given in *Franklin's journal*, under date of July 1, 1782.
To *Shelburne*, May 16, 1782, given in *Franklin's journal*, under date of July 1, 1782; and so of *Franklin* to *Laurens*, of May 25, 1782.
From *Morris*, May 17, 1782.
(See *Morris* to *Franklin*, same date.)
From *Laurens*, May 17, 1782.
(See *H. Laurens* to *Franklin*, same date, in *Franklin's journal*, July 1, 1782.)
From *Livingston*, May 22, 1782.
(See *Franklin* to *Livingston*, same date.)
From *Morris*, May 23, 1782.
(See *Morris* to *Franklin*, same date.)
From *Hartley*, May 25, 1782.
(See *Hartley* to *Franklin*, same date.)
From *Morris*, May 29, 1782.
(See *Morris* to *Franklin*, same date.)
From *Livingston*, May 30, 1782.
(See *Livingston* to *Franklin*, same date.)
To *Grenville*, May 31, 1782, is given in *Franklin's journal*, under date of July 1, 1782, and so of *Franklin* to *Adams*, of June 2, 1782.
To *Oswald*. As to liberation of Cornwallis, June 5, 1782 (in reply to *Oswald* to *Franklin*, June 5, 1782).
From *Adams*, June 13, 1782.
(See *Adams* to *Franklin*, same date.)

FRANKLIN, B.—Continued.
From *Livingston*, June 23, 1782.
(See *Livingston* to *Franklin*, same date.)
From *Laurens*, June 24, 1782.
(See *Laurens* to *Franklin*, same date.)
To *Livingston*. Loans; condition of peace negotiations, June 25, 1782.
To *Oswald*, of June 27, 1782 (given in *Franklin's journal*, under date of June 26, 1782).
To *Cooper*. Intrigues of England as to separate peace, June 28, 1782.
To *Livingston*. Views as to peace, June 28, 1782.
To *Livingston*. Exchange of Laurens; passage of enabling act; George III's rancor and duplicity; no separate peace, June 29, 1782.
From *Morris*, July 1, 1782.
(See *Morris* to *Franklin*, same date.)
From *Livingston*, July 5, 1782.
(See *Livingston* to *Franklin*, same date.)
From *La Fayette*, July 9, 1782.
(See *La Fayette* to *Franklin*, same date.)
From *Hartley*, July 26, 1782.
(See *Hartley* to *Franklin*, same date.)
From *Grantham*, July 26, 1782.
(See *Grantham* to *Franklin*, same date.)
Journal of peace negotiations, from Mar. 21 to July 1, 1782, entered under July 1, 1782.
To *Embassador from Portugal*. As to Portuguese prohibitions, July 1, 1782.
To *Laurens*. As to peace commission, July 2, 1782.
To *La Fayette*. Mentioning Rockingham's death and Fox's resignation, July 9, 1782.
To *Hartley*. As to peace and other matters, July 10, 1782.
To *Vaughan*. As to war, July 10, 1782.
To *Vaughan*. As to conditions of peace, July 11, 1782.
To *Oswald*. As to conditions of peace, July 12, 1782.
To *Shelburne*. As to conditions of peace, July 12, 1782.
To *Vergennes*. As to alleged unlawful seizures of ships, July 18, 1782.
To *La Fayette*. Cornwallis' proclamation as to hanging prisoners may take him out of the protection of the laws of war, July 24, 1782.
Addressed as to peace by *Hartley*, July 26, 1782.
Addressed as to peace by *Grantham*, July 26, 1782.
Addressed as to peace by *Shelburne*, July 27, 1782.
From *Vergennes*, July 28, 1782.
(See *Vergennes* to *Franklin* same date.)
To *Oswald*. As to Asgill's case, July 28, 1782.
To *Vergennes*. Announcing Oswald's commission to treat, Aug. 8, 1782.
(Answered by *Vergennes*, Aug. 8, 1782.)
From *Livingston*, Aug. 9, 1782.
(See *Livingston* to *Franklin*, same date.)
To *Livingston*. Money affairs; difficulties about the *Bon Homme Richard;* Chaumont's insolvency; memorials of Saratoga and Yorktown; delay in negotiations; Laurens' ill health, Aug. 12, 1782.
To *Morris*. Beaumarchais' claim; payments to W. Lee; other payments, Aug. 12, 1782.
From *Hartley*, Aug. 16, 1782.
(See *Hartley* to *Franklin*, same date.)
From *Vergennes*, Aug. 23, 1782.
(See *Vergennes* to *Franklin*, same date.)

FRANKLIN, B.—Continued.
To *Livingston*. As to his grandson's salary as secretary; never asked a public office, or refused one when public required, Sept. 3, 1782.
Course of, to H. Laurens. *Laurens* to *Congress*, Sept. 5, 1782.
From *Livingston*, Sept. 5, 1782.
(See *Livingston* to *Franklin*, same date.)
From *Oswald*, Sept. 5, 1782.
(See *Oswald* to *Franklin*, same date.)
To *Grantham*. As to desirability of peace, Sept. 11, 1782.
From *Livingston* (two letters), Sept. 12, 1782.
(See *Livingston* to *Franklin*, same date.)
To *Hartley*. Has been suffering from gravel and gout; a truce now impracticable, Sept. 17, 1782.
From *Livingston*, Sept. 18, 1782.
(See *Livingston* to *Franklin*, same date.)
From *Oswald*, Sept. 24, 1782.
(See *Oswald* to *Franklin*, same date.)
From *Vergennes*, Sept. 24, 1782.
(See *Vergennes* to *Franklin*, same date.)
To *Livingston*. As yet no definite result in the negotiations, Sept. 26, 1782.
From *Morris* (two letters), Sept. 27, 1782.
(See *Morris* to *Franklin*, same date.)
From *G. Morris*, Sept. 28, 1782.
(See *G. Morris* to *Franklin*, same date.)
From *Morris*, Sept. 30, 1782.
(See *Morris* to *Franklin*, same date.)
From *Morris*, Oct. 1, 1782.
(See *Morris* to *Franklin*, same date.)
From *Vergennes*, Oct. 3, 1782.
(See *Vergennes* to *Franklin*, same date.)
From *Hartley*, Oct. 4, 1782.
(See *Hartley* to *Franklin*, same date.)
From *Morris*, Oct. 7, 1782.
(See *Morris* to *Franklin*, same date.)
To *Livingston*. Progress of peace negotiations. Question as to ministers' salaries; Rayneval sent by the ministry to Shelburne, in order to determine as to his real purposes, Oct. 14, 1782.
To *Adams*. Precluded from correspondence by long and painful illness; negotiations have re-opened, Oct. 14, 1782.
To *Vergennes*. Returns map, with boundaries of United States marked out, Oct. 14, 1782.
From *Adams*, Oct. 15, 1782.
(See *Adams* to *Franklin*, same date.)
From *Townshend*, Oct. 23, 1782.
(See *Townshend* to *Franklin*, same date.)
From *Morris*, Oct. 27, 1782.
(See *Morris* to *Franklin*, same date.)
To *Adams*. Suggestions as to quadruple alliance, Nov. 3, 1782.
To *Townshend*. Hopes for pacification, Nov. 4, 1782.
To *Vergennes*. Presses another loan, Nov. 8, 1782.
From *Livingston*, Nov. 9, 1782.
(See *Livingston* to *Franklin*, same date.)
From *Livingston*, Nov. 21, 1782.
(See *Livingston* to *Franklin*, same date.)

FRANKLIN, B.—Continued.
From *Jay*, Nov. 24, 1782.
(See *Jay* to *Franklin*, same date.)
To *Oswald*. Showing how much greater were the losses sustained by patriots in the Revolution than by loyalists, Nov. 26, 1782.
From *Livingston*, Nov. 27, 1782.
(See *Livingston* to *Franklin*, same date.)
To *Vergennes*. Announcing signature of treaty of peace, Nov. 29, 1782.
From *Adams*, Dec. 3, 1782.
(See *Adams* to *Franklin*, same date.)
From *Livingston*, Dec. 3, 1782.
(See *Livingston* to *Franklin*, same date.)
From *Livingston*, Dec. 4, 1782.
(See *Livingston* to *Franklin*, same date.)
To *Livingston*. Announcing signature of treaty of peace, Dec. 4, 1782.
To *Livingston*. Giving circumstances of negotiations; prospects of further aid from France; treaties with other powers, Dec. 5, 1782.
From *La Fayette*, Dec. 8, 1782.
(See *La Fayette* to *Franklin*, same date.)
To *Vergennes*. Announcing the sailing of the *Washington*, with a British passport, with the preliminaries, Dec. 15, 1782.
(For answer, see *Vergennes* to *Franklin*, Dec. 16, 1782.)
To *Vergennes*. Explains the passport for the *Washington*; "no peace is to take place between us and England until you have concluded yours;" explanation of non-consultation, Dec. 17, 1782.
To *Morris*. France has supplied 600,000 livres to go at once, and the rest of six millions to be paid quarterly; peace not yet secure; Parliament may reject the articles; "our people should do more for themselves," Dec. 23, 1782.
To *Livingston*. Exchange of powers with Sweden; proposition as to copper coin, Dec. 24, 1782.
From *Vergennes*, Dec. 25, 1782.
(See *Vergennes* to *Franklin*, same date.)
To *Morris*. Hopes of additional loan from France; Adams' prospects in Holland; matters of accounts; Penet's absconding; separate States ought not to attempt separate loans, Dec. 25, 1782.
To *Cooper*. Character of financial articles; fidelity to French engagements essential, Dec. 26, 1782.
His allowance to W. T. Franklin, as his secretary, approved. *Congress*, Dec. 27, 1782.
From *Livingston*, Jan. 2, 1783.
(See *Livingston* to *Franklin*, same date.)
From *Livingston*. Moderation in his charges does him honor, Jan. 2, 1783.
From *Livingston*, Jan. 6, 1783.
(See *Livingston* to *Franklin*, same date.)
From *Morris*. Looked to to save the country from financial ruin, Jan. 11, 1783.
From *Morris*. As to loans and salaries, Jan. 13, 1783.
To *Oswald*. Suggestions for abandoning privateering; cost of protection of sugar islands; advantages of their neutralization, Jan. 14, 1783.
From *Vergennes*, Jan. 18, 1783.
(See *Vergennes* to *Franklin*, same date.)
From *Vaughan*, Jan. 18, 1783.
(See *Vaughan* to *Franklin*, same date.)
To *Livingston*. Announces cessation of hostilities between France, Spain, England, and the United States, Jan. 21, 1783.
To *Vergennes*. Acknowledging loan of six millions, Jan. 25, 1783.

FRANKLIN, B.—Continued.
From *Jay*. Expressive of personal respect and of approval of appointment of W. T. Franklin as secretary, Jan. 26, 1783.
Danish Government appeals to. *Rosencrone* to *Waltersdorff*, Feb. 22, 1783.
From *Laurens*, Mar. 6, 1783.
(See *Laurens* to *Franklin*, same date.)
To *Livingston*. Signature of Swedish treaty, Mar. 7, 1783.
To *Morris*. Advising of loan of six millions; but no further aid this year to be expected, from the wretched state of French finances, Mar. 7, 1783.
From *Hartley*, Mar. 12, 1783.
(See *Hartley* to *Franklin*, same date.)
From *Laurens*, Mar. 15, 1783.
(See *Laurens* to *Franklin*, same date.)
To *Vergennes*. As to commercial freedom between France and the United States, Mar. 16, 1783.
To *Hartley*. Expressing conciliatory views, Mar. 23, 1783.
To *Vergennes*. As to printing constitutions of States, Mar. 24, 1783.
From *Livingston*, Mar. 26, 1783.
(See *Livingston* to *Franklin*, same date.)
From *Hartley*, Mar. 31, 1783.
(See *Hartley* to *Franklin*, same date.)
From *Salva*, Apr. 1, 1783.
(See *Salva* to *Franklin*, same date.)
High opinion of, by Madison. *Madison* to *Randolph*, Apr. 1, 1783.
From *Laurens*, Apr. 4, 1783.
(See *Laurens* to *Franklin*, same date.)
To *Rosencrone*. As to treaty with Denmark, Apr. 13, 1783.
To *Livingston*. Cessation of letters; treaty with Denmark; Laurens' recovery; foreign desire for American trade, Apr. 15, 1783.
From *Fox*. Introducing Hartley, Apr. 19, 1783.
To *Livingston*. Introducing Count Del Veome, Apr. 27, 1783.
To *Vergennes*. As to ceding to Congress stores left by Rochambeau at Baltimore. May 4, 1783.
From *Vergennes*. Hoping he will attend court, May 5, 1783.
To *Vergennes*. Expecting to attend, May 5, 1783.
To *Hartley*. As to privateering, May 8, 1783.
From *Livingston*, May 9, 1783.
(See *Livingston* to *Franklin*, same date.)
From *Morris*, May 12, 1783.
(See *Morris* to *Franklin*, same date.)
From *Morris* (two letters), May 26, 1783.
(See *Morris* to *Franklin*, same date.)
From *Livingston*, May 31, 1783.
(See *Livingston* to *Franklin*, same date.)
To *Livingston*. Treaties in preparation with Sweden and Portugal; definitive treaty not yet closed; recommends Bancroft, June 12, 1783.
From *De Staël*, June 13, 1783.
(See *De Staël* to *Franklin*, same date.)
And *Jay* to *Vergennes*. As to accounts, June 18, 1783.
From *Boudinot* (President of Congress), inclosing papers, June 18, 1783.
From *Rohan*, June 21, 1783.
(See *Rohan* to *Franklin*, same date.)
(With *Jay*) to *Vergennes*. Appealing to him to save their bills from protest, June 28, 1783.
To *Vergennes*. Additional appeal, July 4, 1783.

FRANKLIN, B.—Continued.
To *Laurens*. Definitive treaty to follow preliminaries, July 6, 1783.
From *Rosencrone*, July 8, 1783.
(See *Rosencrone* to *Franklin*, same date.)
From *Jay*, July 9, 1783.
(See *Jay* to *Franklin*, same date.)
From *Crocco*, July 13, 1783.
(See *Crocco* to *Franklin*, same date.)
To *Vergennes*. Urging additional loan, July 14, 1783.
From *Laurens*, July 17, 1783.
(See *Laurens* to *Franklin*, same date.)
To *Livingston*. Glad that the preliminaries were received with satisfaction; regards the conduct of Vergennes and the King in respect to peace as fair; regrets Adams' constant and public assertions to the contrary; pernicious effect of navigation proclamation; question of retaliation; negotiations with Portugal and Denmark; desires to withdraw from service; Chaumont's position as to *Alliance* and *Bon Homme Richard;* regrets Livingston's resignation; asks for diplomatic position for his grandson; negotiations with Bavaria; dangers of Algiers; prisoners of war discharged, July 22, 1783.
To *Morris*. Necessity of exertion at home, for no more money is to be obtained abroad, July 27, 1783.
(With *Jay*, and *Laurens*) to *Livingston*. British indecision as to definitive treaty; may probably have to drop all commercial articles; all treaties to be signed together, July 27, 1783.
From *Pope's Nuncio*, as to establishing a bishop or an apostolic vicar in the United States, July 28, 1783.
His negotiating with Denmark objected to. *Adams* to *Livingston*, Aug. 13, 1783.
From *Boudinot*. Advising him of the ratification of his treaty with Sweden with verbal changes, Aug. 15, 1783.
His ascendency at Versailles complained of. *Adams* to *Gerry*, Aug. 15, 1783.
To *Vergennes*. Informing him that the American commissioners were inclined to accept the British proposition of making the provisional treaty definitive. Aug. 16, 1783.
To *Laurens*. To same effect, Aug. 21, 1783.
From *Rayneval*. As to time of signature, Aug. 29, 1783.
From *Hartley*. As to time of signature, Aug. 29, 1783.
To *Congress*. Definitive treaty to be signed Sept. 3, Aug. 31, 1783.
To *Fox*. Commending Hartley, Sept. 5, 1783.
To *Hartley*. Letter of friendliness; advising prompt evacuation of New York, Sept. 6, 1783.
From *Boudinot*, Sept. 9, 1783.
(See *Boudinot* to *Franklin*, same date.)
To *Jay*. Giving a letter from America charging Franklin with being derelict on the fishery question, and asking for an answer, Sept. 10, 1783.
From *Jay*. Fully disproving charge, Sept. 11, 1783.
From *Adams*. Fully disproving charge, Sept. 13, 1783.
To *Congress*. Regrets Livingston's resignation; signature of definitive treaty; negotiations with Denmark, Portugal, and Morocco; friendly attitude of France; Vergennes refuses to sign treaty with England until after signature of our definitive treaty, Sept. 13, 1783.
From *Adams*, Sept. 13, 1783.
(See *Adams* to *Franklin*, same date.)
From *Hartley*, Sept. 24, 1783.
(See *Hartley* to *Franklin*, same date.)

FRANKLIN, B.—Continued.
From *Morris*, Sept. 30, 1783.
(See *Morris* to *Franklin*, same date.)
To *Hartley*. As to friendly relations, Oct. 16, 22, 1783.
To *Congress*. As to public events and Calvert's claim, Nov. 1, 1783.
From *Crocco*, Nov. 25, 1783.
(See *Crocco* to *Franklin*, same date.)
To *Laurens*. As to authorship of certain anonymous letters, Dec. 6, 1783.
To *Vergennes*. As to Roman Catholic bishop in America, Dec. 15, 1783.
To *Carmichael*. As to whether Crocco, alleged minister for Morocco, is genuine, Dec. 15, 1783.
To *Crocco*. Saying that no answer can be given to his proposals until inquiry, Dec. 15, 1783.
To *Congress*. British unwillingness to treat under the eye of the French court; British distrust of American institutions and exaggeration of American defects; negotiations with Denmark, Portugal, and Morocco still open; Paul Jones' expenses were paid wholly by France, Dec. 25, 1783.
Morris. Mentioning imprudent and violent remarks of Adams in Paris as likely to endanger the good relations of the countries, and prejudice loan; financial difficulties; difficulties as to salaries and contingent expenses; wrong of refusal to pay taxes; all property is subject to the state; La Fayette's continued good offices and influence; regrets Morris' retirement; proposed French loan; arrangement as to forwarding tobacco, Dec. 25, 1783.
From *Morris*, Dec. 25, 1783.
(See *Morris* to *Franklin*, same date.)
To *Mifflin*. Asking for recall, and also for position for his grandson, Dec. 26, 1783.
To *Congress*. Recommends Hodgson as consul at London, Dec. 26, 1783.
To *Hartley*. As to hereditary systems of government, Jan. 7, 1784.
From *Morris*, Feb. 12, 1784.
(See *Morris* to *Franklin*, same date.)
To *Laurens*. Bad effect of sinecures; every place of honor should be a place of burden, Feb. 12, 1784.
From *Morris*, Feb. 13, 1784.
(See *Morris* to *Franklin*, same date.)
To *Strahan*. English criticisms on America, and American on England, Feb. 16, 1784.
From *Carmichael*, Feb. 27, 1784.
(See *Carmichael* to *Franklin*, same date.)
From *Hartley*, Mar. 2, 1784.
(See *Hartley* to *Franklin*, same date.)
To *Thomson*. Explaining delay in ratification; pressure of persons proposing to emigrate to America, Mar. 9, 1784.
To *Congress*. As to ratification; British proclamation of trade, May 12, 1784.
To *Thomson*. Treaty ratified; future greatness of America depends on union and economy and honor in paying debts; is waiting for an answer from Congress for his request for release and for employment of his grandson, May 13, 1784.
From *Hartley*, June 1, 1784.
(See *Hartley* to *Franklin*, same date.)
To *Hartley*. Answering the latter's criticism on form of ratification, June 2, 1784.
To *Congress*. As to these criticisms; his malady prevents him from driving, but his grandson goes on court days to Versailles in his place; continued friendliness of France, June 16, 1784.
To *Argenteau*. As to treaty with the Emperor of Germany, July 30, 1784.
From *Argenteau*, July 30, 1784.
(See *Franklin* to *Argenteau*, same date.)

FRANKLIN, B.—Continued.
From *Vergennes*, Aug. 27, 1784.
(See *Vergennes* to *Franklin*, same date.)
To *Vergennes*. By resolution of Congress "it will be our constant care to place no people on more advantageous ground than the subjects of" France, Sept. 3, 1784.
From *Argenteau*, Sept. 8, 1784.
(See *Argenteau* to Franklin, same date.)
From *Vergennes*. "This declaration has been very agreeable to the King," Sept. 9, 1784.
From *Morris*, Sept. 30, 1784.
(See *Morris* to *Franklin*, same date.)
To *Thomson*. Propositions for treating have been made, in conformity with instructions, to all the powers of Europe, Oct. 16, 17, Nov. 11, 1784.
From *Vergennes*, October 30, 1784.
(See *Vergennes* to *Franklin*, same date.)
FRANKLIN, W. Notice of. (See Introduction, § 127, and see *Franklin* to *Priestley*, Jan. 1, 1779.
FRANKLIN, W. T. His grandfather asks for diplomatic employment for. *Franklin* to *Congress*, Mar. 13, 1781. See further, *B. Franklin*.
Secretary to Dr. Franklin. Claims of, Sept. 3, 1782.
Appointed secretary to the peace commission, Oct. 1, 1782.
His grandfather asks for his continuance in diplomatic service, Dec. 26, 1783. See *Franklin, B.*)
FREDERICK THE GREAT—
Position as to Revolution. (See Introduction, § 90.)
Views on stealing of A. Lee's papers. *Frederick* to *Maltzam*, June 30, 1777. (See Introduction, §§ 144, 193.
His good wishes for America, and offers to follow France in recognition of America. *Schulenberg* to *A. Lee*, Jan. 16, 1778. (But see Introduction, § 90.)
FREE PORTS. Orient, Bayonne, Dunkirk, and Marseilles constituted, for American vessels. *Colonne* to *La Fayette*, Jan. 5, 1784.
"FREE SHIPS MAKE FREE GOODS"—
Rule adopted by Franklin in instructions to cruisers, May 30, 1780. But rule rejected in case of the *Flora*. *Franklin* to *Vergennes*, June 18, 1780.
Prevalence of maxim. *Franklin* to *Morris*, June 3, 1780.
Action of Congress as to. *Livingston* to *Deane*, Oct. 22, 1781.
Proposal for general adoption of rule. *Adams' journal*, Dec. 9, 1782.
Policy of maxim. *Livingston* to *Congress*, June 3, 1783.
FRENCH ALLIANCE. (See *France.*)
FRENCH OFFICERS. (See *Officers to France*, and see Introduction, § 25, 78.)
FREY. Introduction of, by *Franklin* to *Washington*, June 13, 1777.
"FRIEND IN ENGLAND." From *Franklin*, Oct. 3, 1775.
(See *Franklin* to *Friend in England*, same date.)
FRIESLAND. Resolves to acknowledge the independence of America. *Adams* to *Vauguyon*, Mar. 1, 1787.
FRIGATES. (See *Ships.*)
GAGE, General—
His desertion of loyalists in Boston. Introduction, § 24.
Treacherous conduct of. *Franklin to Priestley*, June 7, 1775.
GALLITZEN—
Memorial given by. *Adams to Congress*, Apr. 10, 1780.
From *Adams*, Mar. 8, 1781.
(*See Adams to Gallitzen*, same date.)
GALLOWAY—
Pamphlet of, criticised. *Adams to Congress*, June 16, 1780.

GALLOWAY—Continued.
Was a friend of Franklin, holding some of his papers in deposit, which Franklin, on Galloway's change of position, seeks to reclaim. *Franklin to Bache,* Sept. 13, 1781.
GALVEZ. From *Jay,* Jan. 27, 1780.
(See *Jay* to *Galvez,* same date.)
GARDOQUI—
Agent to send supplies from Spain. *A. Lee* to *Committee,* Mar. 18, 1777.
Banking operations of, in aid of America. Introduction, § 87.
Business relations of, to the United States. *A. Lee* to *Committee,* Mar. 18, Apr. 2, 1777.
Remittances to A. Lee, Apr. 28, 1777.
From *A. Lee,* May 8, 1777.
(See *A. Lee* to *Gardoqui,* same date.)
From *A. Lee,* Aug. 18, 1777.
(See *A. Lee* to *Gardoqui,* same date.)
From *A. Lee,* Sept. 25, 1777.
(See *A. Lee* to *Gardoqui,* same date.)
Consignments by. *Commissioners* to *Committee,* Oct. 7, 1777.
From *A. Lee,* Nov. 15, 1777.
(See *A. Lee* to *Gardoqui & Sons,* same date.)
Accounts of goods furnished. *Gardoqui* to *A. Lee,* Apr. 1, 1778.
From *A. Lee,* Aug. 27, 1778.
(See *A. Lee* to *Gardoqui,* same date.)
From *A. Lee,* Sept. 1, 1778.
(See *A. Lee* to *Gardoqui,* same date.)
From *A. Lee,* Oct. 6, 1778.
(See *A. Lee* to *Gardoqui,* same date.)
To *A. Lee,* Dec. 4, 1778.
(See *A. Lee* to *Gardoqui,* same date.)
His position in Spain. *Carmichael* to *Congress,* Aug. 22, 1780.
Appointed to succeed Miralles. *Carmichael* to *Congress,* Sept. 19, 1780.
Conference with Jay. *Jay* to *Congress,* Nov. 6, 1780.
Detained in Spain. *Carmichael* to *Committee,* Nov. 28, 1780.
Will embark soon. *Carmichael* to *Committee,* Jan. 29, 1781.
Position of, in Spain. *Carmichael* to *Livingston,* Jan. 18, 1782.
Appointed Spanish minister at the United States. *Florida Blanca* to *Congress,* Oct. 8, 1784; *King of Spain* to *Congress,* Sept. 25, 1784.
GARTH, CHARLES, absent and does not present petition of Congress to King. *Franklin* to *Thomson,* Feb. 5, 1775.
GATES—
Position of, as to Washington. Introduction, § 11.
From *Franklin,* Aug. 28, 1776.
(See *Franklin* to *Gates,* same date.)
From *Franklin,* June 2, 1779.
(See *Franklin* to *Gates,* same date.)
GENERALISSIMO. Suggestion of Broglie as. Introduction, § § 77, 78.
GENET—
To *Adams.* Addresses friendly letter, Oct. 24, 1778 (with notice of).
From *Adams,* Feb. 18, 1780.
(See *Adams* to *Genet,* same date.)
To *Adams.* Unites in discrediting false reports lately started in England, Feb. 20, 1780.
From *Adams,* Feb. 24, 1780.
(See *Adams* to *Genet,* same date.)

GENET—Continued.
From *Adams*, Apr. 29, 1780.
(See *Adams* to *Genet*, same date.)
From *Adams*, May 3, 1780.
(See *Adams* to *Genet*, same date.)
From *Adams*, May 9, 1780.
(See *Adams* to *Genet*, same date.)
From *Adams*, May 15, 1780.
(See *Adams* to *Genet*, same date.)
From *Adams*, May 17, 1780.
(See *Adams* to *Genet*, same date.)
GEORGE III—
His attitude as to the revolution. Introduction, § 27.
Regards Franklin as a leading power. Introduction, § 123.
His character an obstacle to peace. *Adams* to *Congress*, June 2, 1780.
Answer of, to propositions of mediating courts, given under *Franklin* to *Congress*, Mar. 12, 1781.
Duplicity and rancor of. *Franklin* to *Livingston*, June 29, 1782.
Warrant for negotiating peace, July 25, 1782.
Second peace commission to Oswald, Sept. 21, 1782.
Proclamation of cessation of arms, Feb. 14, 1783. *Fitzherbert* to *Commissioners*, Feb. 18, 1783.
Ratification of provisional articles, Aug. 6, 1783.
GERARD—
Notice of. Introduction, § 83.
His relations to A. Lee. *Ibid.*, § 146.
From *Franklin et al.* to, Jan. 14, 1777.
(See *Franklin et al.* (or *Commissioners*) to *Gerard*, same date.)
From *A. Lee*, Aug. 1, 1777.
(See *A. Lee* to *Gerard*, same date.)
From *Commissioners*, Feb. 1, 1778.
(See *Franklin* and *Deane* to *Gerard*, same date.)
From *Franklin*, Feb. 24, 1778.
(See *Franklin* to *Gerard*, same date.)
From *Franklin*, Feb. 25, 1778.
(See *Franklin* to *Gerard*, same date.)
Announcement by Louis XVI of appointment of, as minister and consul-general to the United States. *Louis XVI* to *Congress*, Mar. 28, 1778.
From *Vergennes*, Mar. 29, 1778.
(See *Vergennes* to *Gerard*, same date.)
Introduced to Laurens. *Franklin* to *Laurens*, Mar. 31, 1778. (See Introduction, § 83.)
Has letters to Philadelphia from A. Lee. *Gerard* to *Lee*, Apr. 1, 1778.
Circumstances of his appointment as minister to the United States. *Franklin* to *A. Lee*, Apr. 4, 1778.
Arrival of. *Deane* to *Congress*, July 8, 1778.
Congress takes measures to receive, July 11, 1778.
Informs Congress of privileges given in France to American ships, July 14, 1778.
Asks Congress to take charge of prisoners, July 16, 1778.
Ceremonies of reception of. *Congress*, July 20, 28, 1778.
Conferences with. Note to instructions to Franklin of Oct. 26, 1778.
To *Commissioners*. Obtains provisions for France, Nov. 9, 1778.
To *Congress*. As to authorization of documents, Dec. 2, 1778.
To *Congress*. As to claim of Hortalez & Co., Dec. 4, 1778.
To *Congress*. Suggests rule as to privateers, Dec. 6, 1778.

GERARD—Continued.
To *Congress*. Urges fidelity to treaty of 1778, Dec. 7, 1778.
To *Congress*. Request for provisions. *Gerard* to *Congress*, Dec. 14, 1778.
To *Congress*. Declares that Beaumarchais' supplies were not gratuities, Jan. 4, 1779.
To *Congress*. Denies Paine's statement that supplies were sent by France as a present, Jan. 5, 1779.
To *Congress*. Repeats said denial and calls for action, Jan. 10, 1779.
Congress repudiates Paine's statement, Jan. 14, 1779.
To *Congress*. Advises of action of Duportail and associates, Jan. 15, 1779.
From *Duportail*, *La Radière*, and *Laumoy*, Jan. 15, 1779.
(See *Deportail, et al.*, to *Gerard*, same date.)
To *Congress*. Asks for information as to supply of fleet, Feb. 3, 1779.
To *Congress*. Announces Spain's offer of mediation. *Gerard* to *Congress*, Feb. 9, 1779.
To *Congress*. Announces that France has made a grant of 750,000 livres, and that the Beaumarchais' contract was a business affair, Feb. 9, 1779.
To *Congress*. Advises appointment of special peace minister, Feb. 15, 1779.
To *Congress*. Asks as to rate of exchange, Mar. 14, 1779.
Addresses Congress as to maintenance of alliance, Mar. 17, 1779.
To *Congress*. Announces his proposed departure, Mar. 31, 1779.
To *Congress*. Sends European information, Apr. 6, 1779.
To *Congress*. Complaining of seizure of Spanish vessels, Apr. 24, May 19, 1779.
Favorable estimate of, by Jay. *Jay* to *Washington*, Apr. 26, 1779.
To *Congress*. Announces fresh aid from France, May 6, 1779.
To *Congress*. As to movements of D'Estaing, May 9, 1779.
Attacked May 22, 1779, by A. Lee. Introduction, § 146.
To *Congress*. Urges fidelity to treaty obligations, May 23, 1779.
To *Congress*. Barbarous treatment by enemy of Frenchmen in Virginia, May 25, 1779.
To *Congress*. Importance of alliance of Spain, May 27, 1779.
To *Congress*. As to immunities of flags, June 21, 1779.
From *Vergennes*, June 29, 1779.
(See *Gerard* to *Vergennes*, under date Sept. 1, 1779.
To *Congress*. As to ship *Defence*, July 5, 26, 1779.
To *Congress*. As to provisions for France, July 5, 1779.
Conference of Congress with, July 10, 1779.
Proposition as to prisoners; conference with Congress, July 10, 1779.
Views of, as to British recognition of independence, July 10, 1779.
To *Holker*, July 26, 28, July 29, 1779.
To *Congress*. As to provisions, July 26, 1779.
From *De Rouille*, July 11, 1779.
(See *De Bouille* to *Gerard*, same date.)
From *Holker*, July 29, 1779.
(See *Holker* to *Gerard*, same date.)
From *Reed*, July 31, 1779.
(See *Reed* to *Gerard*, same date.)
To *Congress*. Announces Spanish alliance. *Gerard* to *Congress*, Sept. 7, 1879.
Ceremonial of taking leave, Sept. 15, 1779.
Reply of Congress to, Sept. 25, 1779.
From *Congress*, Sept. 25, 1779.
(See *Congress* to *Gerard*, same date.)
Challenged by A. Lee, May 11, 1780. Introduction, § 146.
GERMAIN, Lord G. Character of. See Introduction, § 27; *A. Lee* to *Dumas*, Sept. 23, 1776.

GERMAIN, Lord G.—Continued.
From *Franklin*, Feb. 7, 1777.
(See *Franklin* to *Germain*, same date.)
His position in May, 1777.
Carmichael to *Dumas*, May 9, 1777.
Comments on speech of. *Adams* to *Congress*, June 2, 1780.
GERMAN EMPIRE. Policy of, to America. Introduction, § 96.
GERMAN TROOPS. Barbarous hiring of. *Franklin* to *Winthrop*, May 1, 1777.
Employment of, by British. *A. Lee* to *Committee*, Feb. 11, 1779.
GERMANY. British enlistments in. *Commissioners* to *Committee*, Jan. 17, 1777.
Political position of. *A. Lee* to *Committee*, July 29, 1777. Introduction, § 96.
Proper form of addressing Emperor of. *W. Lee* to *Congress*, Jan. 22, 1778.
Offers with Russia to mediate. *Carmichael* to *Committee*, Jan. 29, 1781; *Carmichael* to *Committee*, Feb. 22, 1781.
Accession of to armed neutrality. *Adams* to *Congress*, Dec. 29, 1781.
Emperor of. Treaty with. *Franklin* to *Argenteau*, July 30, 1784.
Argenteau to *Franklin*, Sept. 28, 1784.
GERRY—
From *Adams*, Dec. 5, 1778 (with notice).
(See *Adams* to *Gerry*, same date.)
To *Adams*. Affairs in the United States, May 5, 1780.
From *Adams*, Aug. 5, 1783.
(See *Adams* to *Gerry*, same date.)
From *Morris*, Aug. 26, 1783.
(See *Morris* to *Gerry*, same date.
From *Adams*, Sept. 9, 1783.
(See *Adams* to *Gerry*, same date.)
From *Adams*, Sept. 3, 1783.
(See *Adams* to *Gerry*, same date.)
GIBRALTAR. British retention of. Introduction, § 86.
Franklin to *Jay*, Oct. 16, 1781; *Franklin* to *Jackson*, same date.
Siege of. *Carmichael* to *Livingston*, Sept. 29, 1782.
GILLON, Captain—
Misconduct of. *Franklin* to *Morris*, Sept. 12, 1781; *Franklin* to *Congress*, Nov. 5, 1781; *Franklin* to *Adams*, Nov. 7, 1781; *Franklin* to *Laurens*, Nov. 8, 1781; *Franklin* to *Adams*, Nov. 26, 1781; *Livingston* to *Carmichael*, Dec. 20, 1781; *Franklin* to *Morris*, Mar. 4, 1782.
From *Franklin*, July 5, 1779.
(See *Franklin* to *Gillon*, same date.)
Complaints against, by Spain. *Jay* to *Livingston*, Apr. 28, 1782.
(See *Luzerne* to *Livingston*, May 19, 1783.)
GLOUCESTER, Duke of, friendly to America. Introduction, § 27.
GOUVERNEUR, ISAAC. Arrest of, at Eustatia. *Lovell* to *Franklin*, May 9, 1781.
GOURION—
Contract with, Feb. 13, 1777.
Letter commending. *Livingston* to *Franklin*, Nov. 24, 1781.
GOVERNOR OF CONNECTICUT—
From *Morris*, Nov. 20, 1781.
(See *Morris* to *Governor of Connecticut*, same date.)
From *Morris*, June 14, 1782.
(See *Morris* to *Governor of Connecticut*, same date.)
GOVERNOR OF CORUNNA. From *Adams*, Dec. 18, 1779.
(See *Adams* to *Governor of Corunna*, same date.)
GOVERNOR OF CUBA—
From *Morris*, Nov. 2, 1780.
(See *Morris* to *Governor of Cuba*, same date.)

GOVERNOR OF CUBA—Continued.
From *Morris*, July 17, 1781.
(See *Morris* to *Governor of Havana*, same date.)
GOVERNOR OF MARYLAND—
From *Morris*, Aug. 28, 1781.
(See *Morris* to *Governor of Maryland*, same date.)
From *Morris*, Apr. 30, 1782.
(See *Morris* to *Governor of Maryland*, same date.)
From *Morris*, July 9, 1782.
(See *Morris* to *Governor of Maryland*, same date.)
From *Morris*, July 29, 1782.
(See *Morris* to *Governor of Maryland*, same date.)
GOVERNORS OF NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA. From *Morris*, Dec. 19, 1781.
(See *Morris* to *Governors of North Carolina*, *South Carolina*, and *Georgia*, same date.)
GOVERNOR OF NORTH CAROLINA. From *Morris*, Oct. 7, 1782.
(See *Morris* to *Governor of North Carolina*, same date.)
GOVERNORS OF NEW JERSEY AND DELAWARE. From *Morris*, Aug. 22, 1781.
(See *Morris* to *Governors of New Jersey* and *Delaware*, same date.)
GOVERNOR OF NEW YORK. From *Morris*, Dec. 11, 1781.
(See *Morris* to *Governor of New York*, same date.)
GOVERNOR OF RHODE ISLAND—
From *Morris*, Jan. 14, 1782.
(See *Morris* to *Governor of Rhode Island*, same date.)
From *Morris*, June 26, 1782.
(See *Morris* to *Governor of Rhode Island*, same date.)
From *Morris*, Aug. 2, 1782.
(See *Morris* to *Governor of Rhode Island*, same date.)
From *Morris*, Oct. 24, 1782.
(See *Morris* to *Governor of Rhode Island*, same date.)
From *Morris*, June 21, 1784.
(See *Morris to Governor of Rhode Island*, same date.)
GOVERNOR OF ST. CHRISTOPHER. From *Luzerne*, Nov. 8, 1782.
(See *Luzerne* to *Governor of St. Christopher*, same date.)
GOVERNOR OF VIRGINIA—
From *Morris*, Aug. 23, 1781.
(See *Morris* to *Governor of Virginia*, same date.)
From *Morris*, Oct. 16, 1781.
(See *Morris* to *Governor of Virginia*, same date.)
From *Morris*, Apr. 27, 1782.
(See *Morris* to *Governor of Virginia*, same date.)
GOVERNORS OF THE STATES—
From *Morris*, July 25, 1781.
(See *Morris* to *Governors of States*, same date.)
From *Morris*, July 27, 1781.
(See *Morris* to *Governors of States*, same date.)
From *Morris*, Aug. 4, 1781.
(See *Morris* to *Governors of States*, same date.)
From *Morris*, Sept. 4, 1781.
(See *Morris* to *Governors of States*, same date.)
From *Morris*, Oct. 19, 1781.
(See *Morris* to *Governors of States*, same date.)
From *Livingston*, Nov. 12, 1781.
(See *Livingston* to *Governors of States*, same date.)

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His animosity to Franklin. *Ibid.*, §§ 148, 149.
Letter to *Colden*, Sept. 10, 1775 (given in note of *A. Lee* to *Colden*, Feb. 13, 1776).
From *Hancock*. Instructions to, as minister to Tuscany, July 1, 1777.
(See *Hancock* (or *Congress*) to *Izard*, same date.)
To *Committee*. Speaks hopefully of his Italian mission, and asks for instructions, Oct. 6, 1777.
To *Committee*. Does not leave Paris, but confers with Tuscan minister there, Dec. 18, 1777.
From *A. Lee*, Jan. 28, 1778.
(See *A. Lee* to *Izard*, same date.)
Consulted by Lee as to molasses article in treaty of 1778. *Izard* to *Lee*, Jan. 28, 1778.
His opinion thereon; his complaints of neglect; claims to have a right to be consulted as to treaty matters. *Izard* to *Franklin*, Jan. 28, 1778.
Franklin's answer to, Jan. 29, 1778.
Rejoinder and renewal of complaints of neglect, Jan. 30, 1778.

IZARD, R.—Continued.
From *Committee.* Congress relies on, to obtain loan in Italy, Feb. 5, 1778.
Furnished 1,000 guineas for expenses of mission to Italy. *Commissioners* to *Committee,* Feb. 16, 1778.
To *Laurens.* Comments on treaty of 1778; complaints of Franklin and Deane; attack on Franklin; references to T. Morris, Feb. 16, 1778.
From *Franklin,* Mar. 27, 1778.
(See *Franklin* to *Izard,* same date.)
To *Franklin.* Calling for explanation, Mar. 29, 1778.
(Franklin replies, Mar. 30, 1778.)
To *Franklin.* Calls his conduct unjustifiable, Mar. 31, 1778.
To *Laurens.* Denounces Deane to Congress; desires commission to Naples, Apr. 1, 1778.
To *Franklin.* Demands fuller explanation, Apr. 4, 1778.
To *Laurens.* Acknowledges his mission to Tuscany, but says he is not permitted to go there, Apr. 11, 1778.
To *Franklin.* Charges Franklin again with suppressions; reiterates his charges against Franklin, Apr. 25, 1778.
Sends Pringle to Franklin for explanation and Pringle reports result. *Pringle* to *Izard,* Apr. 26, 1778.
Views as to Izard's doings. *Laurens* to *Washington,* May 5, 1778.
To *A. Lee.* Criticizes the fifth and eighth articles of the treaty of alliance, May 18, 1778.
From *A. Lee,* May 23, 1778.
(See *A. Lee* to *Izard,* same date.)
Recalled by Congress, June 8, 1778.
To *Franklin.* A denunciatory letter, June 17, 1778.
To *Congress.* Denounces Franklin; speculates as to European affairs, June 28, 1778.
To *Laurens.* Condemns Franklin's course, and also that of Gerard, and states that W. Lee was right in going to Vienna, though the court would not receive him, July 25, 1778.
From *Niccoli,* July 28, 1778.
(See *Niccoli* to *Izard,* same date.)
To *Commissioners.* Prospects of loan in Italy; asks that Vergennes should intervene, Aug. 25, 1778.
From *Commissioners.* Saying that Vergennes gives no encouragement, Aug. 25, 1778.
To *Niccoli.* Saying that he is disappointed in not being received at Tuscany, Sept. 1, 1778.
To *Vergennes.* Asking aid towards procuring an Italian loan, Sept. 2, 1778.
To *Laurens.* Criticizes the conduct of Franklin as to the "molasses" article in the French treaty, Sept. 12, 1778.
From *Adams,* Sept. 20, 1778.
(See *Adams* to *Izard,* same date.)
To *Adams.* Complains of conduct of Spain; supposes (erroneously) Franklin to have endeavored to have wrongly promoted his nephew; his views as to the fisheries, Sept. 24, 1778.
From *Adams,* Sept. 25, 1778.
(See *Adams* to *Izard,* same date.)
From *Commissioners.* Claims, unsuccessfully, exemption from duties for his goods, Sept. 26, 1778 (with inclosures).
To *Adams.* Views as to fisheries and also as to sumptuary laws, Sept. 28, 1778.
From *Adams,* Oct. 2, 1778.
(See *Adams* to *Izard,* same date.)
His demand for goods seized by French privateers on board an English ship declined. *Sartine* to *Commissioners,* Oct. 7, 1778.

IZARD, R.—Continued.
Answer of Commissioners to, Oct. 12, 1778.
Replied to at large by Deane. *Deane* to *Congress*, Oct. 12, 1778.
Further correspondence in reference to his goods seized by French privateers. *Commissioners* to *Sartine*, Oct. 13, 1778; *Commissioners* to *Izard*, Oct. 13, 1778.
France declines to intervene. *Sartine* to *Commissioners*, Oct. 19, 1778.
From *Committee*, Oct 28, 1778.
(See *R. H. Lee* and *Lovell* to *Izard*, same date.)
Letters of, attacking Franklin, read in Congress, Oct. 15, Dec. 17, 1778.
From *Franklin*, Jan. 4, 1779.
(See *Franklin* to *Izard*, same date.)
Franklin objects to further payments to, of salary, he holding a sinecure. *Franklin* to *Committee*, Jan. 15, 1779.
Franklin overruled in this matter by Adams and Lee. *Izard* to *Committee*, Jan. 28, 1779.
Desires permission to return, Jan. 28, 1779.
Adams gives character of. *Adams* to *Lovell*, Feb. 20, 1779.
To *Congress*. Informs Congress of his intended return, Mar. 4, 1779.
Franklin explains his refusal of salary to, May 26, 1779.
(See *Franklin*, same date.)
Comments of Lovell as to. *Lovell* to *Adams*, June 13, 1779.
From *Lovell*. Noticing his recall, July 17, 1779.
To *Committee*. Views of, as to his recall and as to his charge for expenses, Sept. 29, 1779.
Adams' opinion of. *Adams* to *Lovell*, Oct. 17, 1779.
Impolicy of views of, as to France. *Adams* to *S. Adams*, Mar. 4, 1780.
To *Congress*. Has returned and is ready to give Congress any information desired, Aug. 6, 1780.
Ill effects of his conduct in France. *Vergennes* to *Luzerne*, Feb. 14, 1781.
JACKSON, a supposed spy, gives information to the British ministry. (*A. Lee* to *Committee*, June 3, 1776.
JACKSON, Major—
From *Dana*, Nov. 11, 1780.
(See *Dana* to *Jackson*, same date.)
Agent for J. Laurens. *Adams* to *Laurens*, May 8, 1781.
From *Franklin*, June 28, 1781.
(See *Franklin* to *Jackson*, same date.)
To *Franklin*, explaining difficulties, June 29, 1781.
Correspondence with Franklin as to certain property the title of which was disputed. *Jackson* to *Franklin*, July 2, 1781; *Franklin* to *Jackson*, July 5, 6, 9, 1781.
From *Franklin*, July 10, 1781.
(See *Franklin* to *Jackson*, same date.)
From *Franklin*, Oct. 16, 1781.
(See *Franklin* to *Jackson*, same date.)
Improvident action of; overpurchase of supplies. *Franklin* to *Congress*, Nov. 5, 1781; *Franklin* to *Adams*, Nov. 7, 1781; *Franklin* to *Laurens*, Nov. 8, 1781.
Approved by Adams. *Adams* to *Congress*, June 27, 1783.
JAMAICA. As to sustaining negroes in, in revolt. *Deane* to *Jay*, Dec. 3, 1776.
JAY—
His services in Congress. Introduction, § 155.
His opposition to "committee" government and to the "family compact." *Ibid.*, § 156.
On the Spanish mission. *Ibid.*, § 157.
During the peace negotiations. *Ibid.*, § 158.

JAY—Continued.
Dislike of, by *A. Lee*. *Ibid.*, §§ 141, 146, 147.
His statements as to cabal against Washington. *Ibid.*, § 11.
Course of in peace negotiations disapproved of by Hamilton. *Ibid.*, § 4.
Differences with Franklin as to binding effect of instruction. *Ibid.*, § 110, 126.
His horror at British cruelty. *Ibid.*, § 22.
Refuses to meet Deane in 1784. *Ibid.*, § 165.
Chosen member of Committee of Corrrespondence. *Secret Journals of Congress*, Nov. 29, 1775.
A. Lee objects to his being on the Committee of Secret Correspondence. *Lee* to *Golden*, Feb. 13, 14, 1776.
To *Morris*. Prospects of war; cruelty of enemy such as to make the devastation of southeastern New York preferable to submission to their atrocities; divulging of A. Lee's letters, Oct. 6, 1776.
From *Deane*, Dec. 3, 1776.
(See *Deane* to *Jay*, same date.)
From *Washington*, Mar. 1, 1777.
(See *Washington* to *Jay*, same date.)
To *Washington*. Incapacity of Congress; good influence of Gerard; bad condition of finances, Apr. 26, 1779.
To *Morris*. Views with horror return to dominion of England, and regards conditions as "happily counterbalanced" by the intelligence from France, Apr. 29, 1778.
From *Rutledge*, Dec. 25, 1778.
(See *Rutledge* to *Jay*, same date.)
From *Washington*, Apr. 20, 1779.
(See *Washington* to *Jay*, same date.)
From *Washington*, May 10, 1779.
(See *Washington* to *Jay*, same date.)
From *Franklin*, June 9, 1779.
(See *Franklin* to *Jay*, same date.)
Elected as commissioner to Spain. *Lovell* to *Adams*, Sept. 27, 1779.
Congressional proceedings, Sept. 25, 27, 1779.
From *Congress*, Sept. 29, 1779.
(See *Congress* to *Jay*, same date.)
Instructions to Congress, Sept. 30, 1779.
From *Franklin*, Oct. 4, 1779.
(See *Franklin* to *Jay* (or *Congress*), same date.
Instructions to, as to the Mississippi claim. *Congress*, Oct. 13, 14, 1779.
To *Congress* Narrative of his voyage, Dec. 20, 22, 24, 25, 26, 27, 1779; Jan. 6, 1780.
To *Franklin*. As to his voyage and perils, Dec. 27, 1779; Jan. 26, 1780.
To *A. Lee*. Asks for information as to Spanish affairs, Jan. 26, 1780.
To *Congress*. Advises of his arrival and of his reporting to Spanish minister at Cadiz, Jan. 27, 1780.
To *Vergennes*. Reporting his arrival in Spain, Jan. 27, 1780.
From *Carmichael*, Feb. 15, 1780.
(See *Carmichael* to *Jay*, same date.)
From *Carmichael*, Feb. 18, 1780.
(See *Carmichael* to *Jay*, same date.)
From *Adams*, Feb. 22, 1780.
(See *Adams* to *Jay*, same date.)
From *Franklin*, Feb. 22, 1780.
(See *Franklin* to *Jay*, same date.)
From *Florida Blanca*. Postponing his reception, Feb. 24, 1780.
(See *Florida Blanca* to *Jay*, same date.)

JAY—Continued.
To *Carmichael.* Giving details of his mission, Feb. 25, 1780.
To *Congress.* Announcing reception at Madrid and giving views as to treaty with Spain; suggests Guatier for Barcelona, March 3, 1780.
From *A. Lee,* Mar. 17, 1780.
(See *A. Lee* to *Jay,* same date.)
From *de Neufville,* Apr. 7, 1780.
(See *de Neufville* to *Jay,* same date.)
From *Franklin* Apr. 7, 1780.
(See *Franklin* to *Jay,* same date.)
To *Franklin.* As to accounts; expresses his affection for France; position of Spain Apr. 27, 1780.
From *Adams,* May 13, 1780.
(See *Adams* to *Jay,* same date.)
From *Adams,* May 15, 1780.
(See *Adams* to *Jay,* same date.)
To *Congress.* Gives detailed account of his negotiations in Spain and incloses his own exposition, in reply to the Spanish ministry, of the condition of the United States, May 26, 1780.
From *Carmichael,* May 27, 1780.
(See *Carmichael* to *Jay,* same date.)
From *Neufville,* June 1, 1780.
(See *Neufville* to *Jay,* same date.)
From *Neufville,* June 8, 1780.
(See *Neufville* to *Jay,* same date.)
From *Franklin,* June 13, 1780.
(See *Franklin* to *Jay,* same date.)
From *Committee.* Notified of bills drawn on him, June 16, 1780.
To *Neufville.* Thanks Neufville and son for assistance, June 25, 1780.
(See *Neufville* to *Jay,* July 13, 1780.)
From *Couteulx,* July 4, 1780.
(See *Couteulx* to *Jay,* same date.)
To *Congress.* Financial troubles; expense of distressed American seamen, July 10, 1786.
From *Lovell,* July 11, 1780.
(See *Lovell* to *Jay,* same date.)
From *Neufville,* July 28, 1780.
(See *Neufville* to *Jay,* same date.)
To *Neufville.* Anxiety about Laurens; loss of Charleston, July 29, 1780.
Detained in Aug., 1780, at Madrid by death of child. *Carmichael* to *Congress,* Aug. 22, 1780.
To *Deane.* Expressions of friendship, Sept. 8, 1780.
To *Congress:* No more bills can be drawn on him; Spain offers to aid a loan for $150,000, Sept. 16, 1780.
To *Vergennes.* As to critical condition of American finances in Spain, Sept. 22, 1780.
From *Franklin,* Oct. 2, 1780.
(See *Franklin* to *Jay,* same date.)
From *Congress,* Oct. 4, 1780.
(See *Congress* to *Jay,* same date.)
To *Neufville.* As to financial matters, Oct. 4, 1780.
To *Franklin.* As to finances, Oct. 5, 1780.
To *Franklin.* Kindness of Prince Massarano; other details, Oct. 25, 1780.
To *Lovell.* Difficulty in forwarding letters, Oct. 27, 1780.

JAY—Continued.

To *Franklin.* Expressing gratitude at relief by Franklin's aid from the claims on him; confusion as to settlement for former supplies; condition of American campaign, Oct. 30, 1780.

To *Congress.* Cumberland's position and character at Madrid; Abbé Hussey; Florida Blanca pledges Spanish fidelity to America; correspondence and conference with Florida Blanca and with Mountmorin; references to Gardoqui, conversation with Gardoqui, Nov. 6, 1780.

To *Congress.* Incloses papers relative to Morocco; inefficiency of Spanish Government, Nov. 30, 1780.

To *Committee.* Importance of system of private expressage of letters, Nov. 30, 1780.

From *Franklin,* Jan. 27, 1781.

(See *Franklin* to *Jay,* same date.)

Promised a part of the loan by Spain to meet bills. *Carmichael* to *Committee,* Jan. 29, 1781.

From *Congress,* Feb. 15, 1781.

(See *Congress* (*Huntington*) to *Jay,* same date.)

From *Committee,* Feb. 20, 1781.

(See *Lovell* or *Committee* to *Jay,* same date.)

To *Franklin.* Difficulty of raising funds in Madrid; intervention of go-betweens; his dependence on Franklin, Feb. 21, 1781.

From *Lovell,* Mar. 9, 1781.

(See *Lovell* to *Jay,* same date.)

To *Congress.* French fleet not sailed; Spain has promised a loan of $150,000; supplies being shipped; Russia's offer of mediation accepted by the States-General; England's answer not known; Cumberland will depart in a few days, Mar. 22, 1781.

Special agency to correspond with; action of Congress under date of Mar. 24, 1781.

From *Adams,* Mar. 28, 1781.

(See *Adams* to *Jay,* same date.)

To *Franklin.* Unable to obtain funds to keep bills from protest; has depended on Franklin's good offices for his support; must continue drawing on him, Apr. —, 1781.

From *Franklin.* Is desired by Jay to be his successor as minister to France, Apr. 12, 1781.

(See *Franklin* to *Jay,* same date.)

To *Thomson.* Importance of better arrangement of foreign affairs; letters are opened or intercepted; Congress' "ungenerous" concessions as to the Mississippi were known in Europe before they reached him; damage done by drawing without funds, Apr. 23, 1781.

To *Congress.* Spain demands control of the navigation of the Mississippi; Spain promises to become responsible for a loan of $150,000; endeavors to obtain loan; letter to De Neufville on that subject (Jan. 8); no money to pay bills of exchange; money received from Spain; loan obtained on personal credit of French embassador; advises that ships on stocks be sold to Spain; supplies of prize goods presented by France and Spain sent; disposition of Portugal; Franklin; Cumberland's mission; disposition of Spain; Del Campo; case of the Dover cutter; Toseau, French vice-consul to Boston, Apr. 25, 1781.

From *Franklin,* May 5, 1781.

(See *Franklin* to *Jay,* same date.)

From *Congress.* Disavowing understanding with Britain; authorizing him to continue to ask for treaty with Spain; and re-instructing him to recede from claim to navigation of Mississippi below 31st degree north latitude, May 28, 1781.

(See *Congress* to *Jay,* same date.)

JAY—Continued.
To *Congress.* General affairs in Spain, May 29, 1781.
To *Franklin.* Want of intelligence from America; states that he has declined to administer the oath of allegiance to Vaughan, not thinking he has the power, May 31, 1781.
From *Lovell,* June 4, 1781.
(See *Lovell* to *Jay,* same date.)
From *Morris,* June 5, 1781.
(See *Morris* to *Jay,* same date.)
From *Lovell,* June 15, 1781.
(See *Lovell* to *Jay,* same date.)
From *Franklin,* June 30, 1781.
(See *Franklin* to *Jay,* same date.)
From *Morris,* July 4, 1781.
(See *Morris* to *Jay,* same date.)
From *Morris,* July 7, 1781.
(See *Morris* to *Jay,* same date.)
From *Morris,* July 9, 1781.
(See *Morris* to *Jay,* same date.)
To *Franklin.* Want of intelligence; as to relief of Talbot and other American prisoners, July 9, 1781.
From *Morris,* July 13, 1781.
(See *Morris* to *Jay,* same date.)
From *Morris,* July 29, 1781.
(See *Morris* to *Jay,* same date.)
From *Congress,* August 10, 1781.
(See *Congress* to *Jay,* same date.)
From *Morris,* August 15, 1781.
(See *Morris* to *Jay,* same date.)
From *Lovell,* August 15, 1781.
(See *Lovell* to *Jay,* same date.)
From *Franklin,* August 20, 1781.
(See *Franklin* to *Jay,* same date.)
From *Franklin,* September 4, 1781.
(See *Franklin* to *Jay,* same date.)
To *Congress.* Accepts appointment as peace commissioner, but objects to instructions to act in conjunction with France; has no funds to meet the demands on him, September 20, 1781.
From *Franklin,* September 29, 1781.
(See *Franklin* to *Jay,* same date.)
To *Congress.* Stating the difficulties in which he was placed by the recent reception of the resolution of Congress of Feb. 15, 1781, requiring him, for the sake of recognition and of aid, to surrender the claim of the United States to the free navigation of the Mississippi. In conformity with this instruction he made the offer to the Spanish minister, conditioned, however, on immediate action. He then narrates the protracted and unsatisfactory negotiations that followed, coming to no practical result, Spain neither agreeing to acknowledge independence or to afford any pecuniary aid, Oct. 3, 1781.
To *Congress.* As to his acceptance of certain bills, Oct. 18, 1781.
From *Franklin,* Oct. 16, 1781.
(See *Franklin* to *Jay,* same date.)
From *Livingston,* Nov. 1, 1781.
(See *Livingston* to *Jay,* same date.)

JAY—Continued.
From *Adams*, Nov. 26, 1781.
(See *Adams* to *Jay*, same date.)
From *Livingston*, Nov. 28, 1781.
(See *Livingston* to *Jay*, same date.)
From *Adams*, Nov. 28, 1781.
(See *Adams* to *Jay*, same date.)
To *Knox*. Congratulations on Yorktown, Dec. 10, 1781.
From *Livingston*, Dec. 13, 1781.
(See *Livingston* to *Jay*, same date.)
From *Adams*. Dilatory and evasive course of Spain, Dec. 15, 1781.
From *Franklin*, Jan. 19, 1782. Advised as to proper course in view of Spanish dilatoriness.
(See *Franklin* to *Jay*, same date.)
From *Livingston*, Feb. 2, 1782.
(See *Livingston* to *Jay*, same date.)
Acknowledges papers, and speaks of letters being tampered with. *Jay* to *Livingston*, Feb. 6, 1782; *Jay* to *Congress*, Feb. 27, 1782.
Embarrassment from failure of remittances. *Carmichael* to *Livingston*, Feb. 27, 1782.
From *Livingston*, Mar. 8, 1782.
(See *Livingston* to *Jay*, same date.)
From *Franklin*, Mar. 16, 1782.
(See *Franklin* to *Jay*, same date.)
From *Franklin*. Franklin assumes payment of bills drawn on; urges his presence in Paris. *Franklin* to *Jay*, Apr. 22, 1782.
(See *Franklin* to *Jay*, same date.)
From *Morris*, Apr. 23, 1782.
(See *Morris* to *Jay*, same date.)
From *Franklin*, Apr. 23, 1782.
(See *Franklin* to *Jay*, same date.)
From *Franklin*, Apr. 24, 1782.
(See *Franklin* to *Jay*, same date.)
To *Morris*. Family details, and social relations in Spain, Apr. 25, 1782.
From *Livingston*. His treatment by Spain commented on; position to be taken as to Mississippi Valley, Apr. 27, 1782.
From *Livingston*, Apr. 28, 1782.
(See *Jay* to *Livingston*, same date.)
To *Livingston*. Gives narrrative of his official business and affairs at Madrid; reports difficulties as to Captain Hill and Commodore Gillon, Apr. 28, 1782.
Estimate of his expenses. *Livingston* to *Congress*, May 8, 1782.
From *Livingston*, May 9, 1782.
(See *Livingston* to *Jay*, same date.)
To *Livingston*. Proposes early departure for Paris, May 14, 1782.
From *Livingston*, June 23, 1782.
(See *Livingston* to *Jay*, same date.)
To *Livingston*. Arrival in Paris; peace negotiations, June 25, 1782.
To *Mountmorin*. Journey from Spain to France; prospects of peace, June 26, 1782.
From *Livingston*, July 6, 1782.
(See *Livingston* to *Jay*, same date.)
To *Adams*. As to political prospects, Aug. 2, 1782.
Action of Congress as to, Aug. 6, 1782.
From *Adams*, Aug. 10, 1782.
(See *Adams* to *Jay*, same date.)

JAY—Continued.
From *Adams*, Aug. 13, 1782.
(See *Adams* to *Jay*, same date.
From *Adams*, Aug. 17, 1782.
(See *Adams* to *Jay*, same date.)
To *Congress*. Recommending W. T. Franklin as secretary, April 25, 1781 (inclosed in letter to *Congress* of *Franklin* of Sept. 3, 1781.
From *Franklin*, Sept. 4, 1782.
(See *Franklin* to *Jay*, same date.)
From *Livingston*, Sept. 18, 1782.
(See *Livingston* to *Jay*, same date.)
To *Livingston*. Transmitting the Marbois intercepted letter, the way he received which he is not "at liberty to mention;" expresses distrust of France, Sept. 18, 1782.
As to this letter see *infra Marbois*.
To *Adams*. Announcing Oswald's powers and asking Adams' presence in Paris; Sept. 23, 1782.
To *Livingston*. Announcing Oswald's powers, Sept. 28, 1782.
From *Adams*, Oct. 7, 1782.
(See *Adams* to *Jay*, same date.)
To *Livingston*. Saying he refused to treat under Oswald's first power, Oct. 13, 1782.
To *Morris*. To same effect, Oct 13, 1782.
From *Washington*, Oct. 18, 1782.
(See *Washington* to *Jay*, same date.)
His dislike of Frenchmen. *Adams' journal* Nov. 5, 1782.
To *Livingston*. Giving full account of share in peace negotiations to date; Mississippi Valley, Nov. 17, 1782.
From *Livingston*, Nov. 23, 1782.
(See *Livingston* to *Jay*, same date.)
To *Livingston*. Unanimity among commissioners, Dec. 12, 1782.
To *Livingston*. Satisfaction with the peace and hopes for the future, Dec. 14, 1782.
From *Livingston*, Dec. 30, 1782.
(See *Livingston* to *Jay*, same date; also Jan. 4, 1783.)
From *Livingston*, Jan. 4, 1783.
(See *Livingston* to *Jay*, same date; and same to same, Dec. 30, 1782.)
To *La Fayette*. Good faith to be maintained to France; no aid to be expected from Spain, Jan. 19, 1783.
To *Franklin*. Expressing personal respect and approval of his grandson as secretary, Jan. 26, 1783.
To *Deane*. Refusing to correspond with, Feb. 23, 1783.
To *Vaughan*. Treaty one of wise liberality on part of England; question as to navigation acts; no reason why tories should be compensated for their losses; Lord Shelburne's system liberal and conciliatory, Mar. 28, 1783.
To *Livingston*. Announcing that he is to be formally received at Madrid, Apr. 7, 1783.
To *Livingston*. Parliamentary news; the mediating courts to appear at the definitive treaties, Apr. 11, 1783.
To *Livingston*. As to definitive treaty and Spanish relations; impaired health, Apr. 22, 1783.
To *Livingston*. Recommending Adams as minister to England, May 30, 1783.
To *Livingston*. Looks to Carmichael to make up accounts, June 1, 1783.
To *Hartley*. Proposed agreement as to definitive treaty, June 1, 1783.
To *Morris*. France can supply no more funds; distrusts France, July 17, 1783.
To *Livingston*. Satisfaction with preliminary articles; importance of national spirit, and of constant preparation for war, July 19, 1783.

JAY—Continued.
To *Thomson*. Hoping he will write a history of the Revolution, July 19, 1783.
To *Livingston*. Conditions of proposed resignation, July 20, 1783.
To *Morris*. Speaks well of Gouveneur Morris; regrets R. Morris' resignation; France can supply no more funds, July 20, 1783.
From *Franklin*, Sept. 10, 1783.
(See *Franklin* to *Jay*, same date.)
To *Franklin*. Vindicating latter from charge of lukewarmness as to fisheries, Sept. 11, 1783. (See *Franklin*.)
To *Thomson*. Thinks reciprocity to be the basis of commercial treaties; would discountenance privateering, Sept. 12, 1783.
To *Livingston*. Reciprocity the true system; recommends leniency to tories, Sept. 13, 1783.
To *Schuyler*. Benefits of the peace, Sept. 16, 1783.
To *Hamilton*. Bad effect of reports of American dissensions; leniency to tories, Sept. 28, 1783.
From *Morris*, Nov. 4, 1783.
(See *Morris* to *Jay*, same date.)
From *Livingston*, Nov. 27, 1783.
(See *Livingston* to *Jay*, same date.)
From *Morris*, Nov. 27, 1783.
(See *Morris* to *Jay*, same date.)
Elected secretary of foreign affairs. *Congress*, May 7, 1784.
To *Congress*. Has returned to New York and made arrangements as to his accounts; ratification of treaty, July 25, 1784.
Report to Congress as to recognition of independence and sovereignty of the United States and closure of war, Mar. 4, 1785. (See *Carmichael, Spain*.)
JEFFERSON—
His position in revolutionary politics. Introduction, § 4*e*.
Opinion of Adams in Europe. *Ibid*., § 131.
Information given as to Deane in 1788. *Ibid*., § 165.
High opinion of Dumas. *Ibid*., § 185.
Appointed, with Franklin and Deane, to make a treaty with France. *Committee to Deane*, Oct. 4, 1776.
From *Adams*, June 29, 1780.
(See *Adams* to *Jefferson*, same date.)
Commissioned as peace plenipotentiary. *Livingston* to *Jefferson*, Nov. 13, 1782; *Livingston* to *Luzerne*, Nov. 26, 1782; *Jefferson* to *Livingston*, Nov. 26, 1782; *Luzerne* to *Livingston*, Nov. 29, 1782.
To *Livingston*. Delay in his passage to Europe, Feb. 7, 1783.
To *Luzerne*. To same effect, Feb. 7, 1783.
From *Livingston*. His departure no longer pressed, Feb. 14, 1783.
(See *Livingston* to *Jefferson*, same date.)
From *Livingston*, Feb. 18, 1783.
(See *Livingston* to *Jefferson*, same date.)
From *Livingston*, Apr. 4, 1783.
(See *Livingston* to *Jefferson*, same date.)
From *Madison*, May 13, 1783.
(See *Madison* to *Jefferson*, same date.)
From *Madison*, June 10, 1783.
(See *Madison* to *Jefferson*, same date.)
From *Morris*, Feb. 25, 1784.
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Elected minister for negotiation of treaties of commerce. *Congress* May 7, 1784.
JENIFER. From *Morris*, June 11, 1782.
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JENKINSON. Sent to France by British Government to watch Deane. *Deane* to *Committee*, Aug. 18, 1776; *W. Lee* to *Dumas*, Sept. 10, 1776.
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Now in London, recommended to Congress for employment. *A. Lee* to *Committee*, Dec. 8, 1777.
From *Adams*. As to views of war, Mar. 13, 1780.
"An American, residing in London, but a warm friend." (Sparks, in note to Adams' letter above cited.)
From *Dana*, Apr. 20, 1781.
(See *Dana* to *Jennings*, same date.)
From *Dana*. Asking him to accompany him to Russia, Apr. 21, 1781.
To *Dana*. Difficulties as to joining his mission, May 3, 1781.
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Character condemned by *H. Laurens* to *Ministers*, Sept. 11, 1783.
Suggested as secretary of the peace commission. *Adams* to *Laurens*, Sept. 15, 1882.
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Commissioned to take command of the *Amphitrite;* May 9, 1777.
His efficiency. *Ibid.*
From *Franklin* and *Deane*. Giving instructions to. Jan. 16, 1778.
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Question of assistance to. *Commissioners* to *Williams*, May 25, 1778.
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His explanation as to Simpson, June 16, 1778.
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From *Franklin*. Instructions, Sept. 6, 1778.
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From *A. Lee*. Objections to above instructions, Jan. 17, 1778.
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Proposes to return Lady Selkirk's plate. *Franklin* to *Schweighauser*, Feb. 10, 1779.
From *Commissioners*. Leaving the *Ranger* approved, Feb. 10, 1779.
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From *Franklin*, Feb. 24, 1779.
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From *Franklin*. Instructions to, Apr. 28, 1779.
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Recommended to Dumas for advice and protection. *Chaumont* to *Dumas*, Sept. 2, 1779.
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To *Morris*. Giving narrative of capture of *Serapis*, Oct. 13, 1779
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Reports it to commissioners of the Navy, Oct. 17, 1779.
Commands again. *Franklin* to *Cooper*, Oct. 27, 1779. (See *Alliance*.)
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Protests against reception in Holland. *Jones* to *States-General*, Oct. 29, 1779.
Gives orders as to prisoners. *Jones* to *Weibert*, Nov. 4, 1779.
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Recommended to Congress. *Franklin* to *Congress*, June 1, 1780.
Appointed captain of the *Alliance*. *Franklin* to *officers of* the *Alliance*, June 16, 1780.
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To *Franklin*. Difficulties of his position; disputes as to the *Alliance*, June 27, 1780.
Difficulties as to; sails in the *Ariel* for the United States. *Franklin* to *Congress*, Aug. 9, 1780.
To *Dumas*. Narrative of adventures; Louis XVI gives him a sword and recommends him to Congress, Sept. 8, 1780.
Has been driven back in the *Ariel* in a storm, but is refitting. *Franklin* to *Lovell*, Dec. 2, 1780; *Franklin* to *Congress*, Dec. 3, 1780.
To *J. Brown*. Answers to questions of the board of admiralty, giving account of his naval operations and matters connected therewith, Mar. 13, 1781.
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To *Congress*. Thanking them for their favorable action, April 22, 1781.
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"JUNIUS." Bad influence on politics of Arthur Lee and others. Introduction, § 147.
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Desires to enter service of the United States. *Deane* to *Committee*, Nov. 6, 1776.
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To *Adams*. Giving him letters for France and gives him suggestions, Jan. 9, 1778.
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From *Franklin*, Mar. 22, 1779.
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To *Adams*. On behalf of "an officer," desiring service, Apr. 9, 1779.
Movements of. *Franklin* to *Committee*, May 26, 1779.
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To *Adams*. Comments on current events, Feb. 19, 1780.
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To *Chairman of Committee of Congress*. As to forwarding supplies, and also as to Franklin and the alliance, Dec. 16, 1780.
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To *Adams*. As to political prospects, Mar. 27, 1782.
To *Washington*. Political affairs in Europe, Mar. 30, 1782.
To *Livingston*. Of same date, on same topics.
To *Washington*. Will remain in France, assisting the American cause, until required to rejoin the Army for the next campaign, Mar. 30, 1782.
To *Washington*. Preparations for and prospects of coming campaign, Apr. 12, 1782.
His intervention on behalf of H. Laurens. *Laurens* to *Congress*, May 30, 1782.
To *Franklin*. As to peace, June 20, 1782 (given in *Franklin's journal*, under date of July 1, 1782).
To *Livingston*. Sketch of peace negotiations, June 25, 1782.
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To *Adams*. Speculations as to peace, Oct. 6, 1782.
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To *Washington*. As to his personal plans, Oct. 24, 1782.
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Presence at peace negotiation. *Adams' journal*, Nov. 20, 1782.
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To *Congress.* Has acted under the direction of Congress and the Commissioners, Dec. 3, 1782.
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To *Franklin.* His continued affection for the United States, Dec. 8, 1782.
To *Vergennes.* Naval preparations; prospects of general peace, Jan. 1, 1783.
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To *Carmichael.* Importance of alliance with France; America owes nothing to any power but France, Jan. 20, 1783.
To *Congress.* Congratulatory on peace; the intended French campaign of 1783, Feb. 5, 1783.
To *Livingston.* As to intended campaign; unfriendliness of Spain; proposed visit to Madrid; trusts America will maintain herself against Spain, Feb. 5, 22, 1783.
To *Hamilton.* Desire to continue in American service; importance of continental union; would accept legation from United States to London, Feb. 6, 1783.
To *Florida Blanca.* Attitude of Spain to the United States, Feb. 19, 1783.
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To *Commissioners.* As to formal mediation of imperial courts, May 12, 1783.
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To *Congress.* Improved condition of affairs in Spain, July 20, 1783.
To *Congress.* Congratulations as to peace; importance of union and national spirit, Sept. 7, 1783.
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LAUMOY (French officer). Contract with, Feb. 13, 1777.
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LAURAGUAIS, Count. Indiscretion of. *Deane* to *Committee*, Aug. 18, 1776.
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To *Washington*. Views as to differences among American envoys at Paris and as to English overtures; views as to difficulties in Army, May 5, 1778.
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From *Izard*, July 25, 1778.
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To *Congress*. Plans of voyage, Feb. 14, 24, 1780.
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His non-arrival. *Adams* to *Congress*, Sept. 19, 1780; *Franklin* to *Dumas*, Oct. 21, 1780.
Prisoner in the Tower; shut off from visitors; sick and emaciated; denied paper; treated with brutality; statements contained in letter. *Dumas* to *Congress*, Oct. 6, 1780; *Adams* to *Congress*, Oct. 24, 1780.
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Funds supplied to. *Franklin* to *Hodgson*, Nov. 19, 1781; *Franklin* to *Vaughan*, Nov. 22, 1781.
To *Congress*. Inhuman treatment for fifteen months in Tower, Dec. 20, 1781.
His position as to his treatment in the Tower; relief sent to him by Franklin; general review of his case. *Franklin* to *Miss Laurens*, Dec. 29, 1781.
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Letter of Burke as to; position of. *Burke* to *Franklin*, Feb. 28, 1782.
Congratulations on his release. *Franklin* to *Laurens*, Apr. 12, 1782.
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To *Congress*. Treatment when in the Tower; final release; La Fayette's course as to, May 30, 1782.
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To *Franklin*. His position at the Tower; exchange, June 24, 1782.
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To *Adams*. Construction of British commission; dangers to be avoided; does not desire to act on commission, Aug. 17, 1782.
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To *Congress*. Plans for return to America; may remain abroad for some months; Franklin's attention, Sept. 5, 1882.
Franklin's attitude to him, given in note to last dispatch.
From *Livingston*, Sept. 17, 1782.
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Addressed as such by Livingston, Sept. 17, 1782.
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His embarassing position arising from the alleged petition to the House of Commons. *Livingston* to *Adams*, Nov. 18, 1782. (See Introduction, § 173.)
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To *Livingston.* Bad health and continued residence abroad, Jan. 6, 1783.
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To *Secretary of Foreign Affairs.* As to English affairs, Mar. 15, 1783.
To *Franklin.* Position of English administration, Mar. 17, 1783.
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To *Franklin.* Commercial bill in Parliament; mediation, Apr. 4, 1783.
To *Livingston.* Reporting conversation with Fox favorable to commercial treaty, Apr. 5, 10, 1783.
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To *Secretary for Foreign Affairs*, July 17, 1783.
To *same.* Proceeds to Paris, Aug. 2, 1783.
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To *United States ministers at Paris.* Gives conversation with Fox, when the latter declared that the provisional articles would form the definitive treaty, and that it was intended to exclude American ships from the West Indian trade, and that an American minister was desirable at London; arrival in London of Carberry and Sullivan, Aug. 9, 1783.
To *Secretary for Foreign Affairs.* As to his salary; proposes to visit the south of France, where his brother has resided for six years, Aug. 9, 1783.
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To *United States ministers at Paris.* Notices definitive treaty and comments on bad character of Jennings, Sept. 11, 1783.
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To *Congress.* In regard to obtaining supplies asks discretion, Jan. 3, 1781.
To *Congress.* Efforts to get a crew for the *Alliance;* French army and navy demanding supplies, Feb. 4, 1781.
To *Congress.* Efforts to get a crew for the *Alliance;* embarked to-day, Feb. 7, 1781.

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To *Congress.* Numbers and destination of French fleet; war with England very injurious to Holland; British privateer having illegally taken a Venetian ship captured and the ship released; fears for safety of Palfrey, Mar. 11, 1781.
To *Congress.* Interview with the Marquis de Castries; the king of France refuses a loan; gives 6,000,000 to the United States; the King refuses to accept the offer of mediation unless his allies do; Congress is requested to instruct their delegates on this point; memorial to Vergennes; letter to same; urges that supplies be sent by France; fleets of the powers, Mar. 20, 1781.
To *Washington.* As to his application to France for further aid; as to plans of coming campaign, Mar. 24, 1781.
To *Congress.* Loan promised; cost, etc., of supplies; French will establish naval superiority in America; fleet on its way; extracts from intercepted letters, Apr. 9, 1781.
To *Washington.* Vergennes has promised to guaranty the ten million Dutch loan; will take action as to supplies, Apr. 11, 1781.
To *Vergennes.* Supplies insufficient; requests amount of loan be immediately advanced; necessity of naval superiority, Apr. 18, 1781.
To *Congress.* Remittance of specie and of supplies; the ship *Indian*, Apr. 24, 1781.
To the *Director-General of Finance.* Urging a larger remittance of specie, Apr. 29, 1781.
From *Adams.* As to his recent action in Europe; Major Jackson's agency, May 8, 1781. Efficiency of, noticed. *Franklin* to *Congress*, May 14, 1781.
Excellence of his character and his comparative success in his mission to France. *Franklin* to *La Fayette*, May 14, 1781.
To *Congress.* His disappointment in the failure of his final attempts at raising funds, May 15, 1781.
(See *Vergennes* to *Laurens*, May 16, 1781.)
Vergennes declines to pay for his credit purchases in Holland, which he ought to have paid for in cash, June 8, 1781.
Position of his accounts in Holland. *Franklin* to *Vergennes*, June 10, 1781.
Has disbursed all of six million loan. *Franklin* to *Adams*, June 30, 1781.
Difficulties arising from his engagements, *Franklin* to *Jackson.* July 6, 1781.
Want of final success in his financial mission in 1781. *Franklin* to *Carmichael*, Aug. 24, 1781.
Arrival with ten store-ships. *Morris* to *Franklin*, Aug. 28, 1781.
To *Congress.* Reporting his special mission to France; urged larger contributions than those received through Franklin, but fruitlessly; the arguments he used to Vergennes; visited Castries; Vergennes stated that the King will be security for ten million Dutch loan; France can not provide full convoys; arranged with Captain Gillon, of the *South Corolina*, for further conveyance of specie; prospects of further supplies faint, Sept. 2, 7, 1781.
To *Congress.* Regards retaliation as the only mode of procuring relief in the case of Henry Laurens; sends further accounts, and states the amounts for which he was obliged to draw on Franklin, Sept. 6, 1781.
Comparative ill success of his mission. *Laurens* to *Congress*, Sept. 21, 1781.
From *Franklin.* As to mismanagement in purchase of supplies in Holland and their shipment through Gillon, Nov. 9, 1781.
LAUZUN. Character. Introduction, § 78. Congratulatory and complimentary address to. *Congress*, May 1, 1783.
LE BRUN from *Franklin*, Oct. 25, 1779.
(See *Franklin* to *Le Brun*, same date.)
LECKY—
His view of Washington's military genius. Introduction, § 12.
Opinion of Adams. *Ibid.*, § 132.

LEE, ARTHUR—
Outline of history. *Ibid.*, § 136.
Position in England prior to 1776. *Ibid.*, § 137.
His connection with Wilkes. *Ibid.*, § 138.
His opposition to Washington and Franklin. *Ibid.*, § 141.
His relations to Beaumarchais. *Ibid*, § 142.
His English connections in 1776. *Ibid.*, § 143.
His "militia" diplomacy and its consequences. *Ibid.*, § (19) 144.
Prevalent opinion as to his differences with Franklin. *Ibid.*, § 145.
Effect of "Junius" on his style. *Ibid.*, § 147.
So as to his treatment of the Scotch. *Ibid.*, § 148.
His case against Franklin. *Ibid.*, § 149.
His betrayal by favorites. *Ibid.*, § 150.
Decoy news sent by him. *Ibid.*, § 151.
Suspicious of Franklin and Vergennes. *Ibid.*, § 152.
Powerful family influence. *Ibid.*, § 153.
His course on returning to America. *Ibid.*, § 154.
His relations to Franklin. *Ibid.*, §§ 106, 126, 149.
Charge of corruption against Dumas. *Ibid.*, § 185.
His diplomatic failures. *Ibid.*, § 19.
Mistake as to Deane's wealth. *Ibid.*, § 160.
Question of memory with Beaumarchais. *Ibid.*, §§ 61, 142.
Presents petition of 1775. *Franklin* to *Thomson*, Feb. 5, 1775.
From *Committee*, to, Dec. 12, 1775.
(See *Committee*, to *A. Lee*, same date.)
Dumas will correspond with and take charge of his letters to Congress. *Franklin* to *Dumas*, Dec. 19, 1775.
To *uncertain correspondent*, under name of *Colden;* importance of placing New England men at the head of affairs; predictions as to British campaign; objects to Franklin and Jay on committee of correspondence (doubts as to the channel through which those letters were received, Feb. 13, 1776). (See introduction, § 141.)
To *same correspondent*. Criticises Lord Sackville; objects again to Franklin and Jay; suspects Dr. Church, Feb. 14, 1776.
To *Mrs. Bache*. Makes further predictions as to British campaign; Britain requires unconditional submission, Mar. 19, 1776.
To *Colden*. Makes further predictions as to British campaign, Apr. 15, 1776. (See introduction, § 141.)
Under name of *Mary Johnston*, to "*Hortalez*." Explaining why tobacco could not be at once shipped, May 23, 1776; June 6, 1776. (See introduction, § 61, ff. 142.)
To *Committee*. Speculations as to English and French policy; criticises Spanish minister; denounces the Scotch and refugees; warns as to "Parson" Madison, Joseph Reed, and Brook Watson, June 3, 1776.
From *Beaumarchais*, June, 6, 1776.
(See *Beaumarchais* to *A. Lee*, same date.)
To *Beaumarchais*. As to exchange of tobacco for supplies, June 14, 1776.
From *Beaumarchais*, June 26, 1776.
(See *Beaumarchais* to *A. Lee*, same date.)
To *Dumas*. As to American affairs and the timidity of France, July 6, 1776.
To *Dumas*. Criticises recent publications; Adam Smith is a "Scotchman, and an enemy to America;" decisive news expected, Aug. 12, 1776.
According to Vergennes, has put too much confidence in Count Lauraguais. *Deane* to *Committee*, Aug. 18, 1776.
(See *Lee* to *Beaumarchais*, May 23, 1776.)

LEE, ARTHUR—Continued.
His visit to Paris in August, 1776, an unwelcome surprise to Deane. *Deane* to *Vergennes*, Aug. 22, 1776.
To *Dumas*. Political torpor in England; Sandwich and Germain, Sept. 23, 1776.
May treat with European powers. *Proceedings in Congress*, Oct. 16, 1776.
Appointed commissioner to Paris. *Morris* and *Franklin* to *Lee*, Oct. 23, 1776; *same* to *Deane*, Oct. 24, 1776.
To *Dumas*. Survey of English politics, Nov. 15, 1776.
To *Shelburne*. Bids farewell; expresses his superior attachment to America, and is about to join in Paris "our *Pater Patriæ*" and Mr. Deane, Dec. 23, 1776.
To *Committee*. Accepts and enters on his duties as commissioner at Paris; "Hortalez;" arrangements made with him were settled with Deane, and the supplies were what were promised, Dec. 31, 1776.
Draught of pledge to France, Feb. 2, 1777.
Proposes to go to Madrid. *Commissioners* to *Committee*, Feb. 6, 1777. *Lee* to *Committee*, Feb. 11, 1777.
To *Committee*. Supplies; British plans, Feb. 14, 18, 1777.
From *Gardoqui*. Advised not to go to Madrid, Feb. 17, 1777.
(See *Gardoqui* to *A. Lee*, same date.)
The erroneousness of his information as to British campaigns. See letters under date of Feb. 14, 1776; Feb. 5, 11, 14, 18, 1777. See also Introduction, §§ 151 *ff*).
To *Commissioners*. His journey to Spain, Feb. 26, 1777.
To *Grimaldi*. Urges on Spanish Government that he should be permitted to visit Madrid, Mar. 5, 1777.
To *Committee*. Proceedings in his mission to Spain, etc., Mar. 8, 1777.
To *Florida Blanca*. Appeal to, Mar. 17, 1777.
To *Congress*. Explanation of course in Spain; foreign affairs, Mar. 18, 1777.
From *Franklin*. Instructions to, in Jan., 1777, Mar. 21, 1777.
To *Committee*. Returns to Paris, and reports unfavorable disposition of Spain, Apr. 2, 1777.
From *Gardoqui*, Apr. 28, 1777.
(See *Gardoqui* to *A. Lee*, same date.)
To *Gardoqui*. As to public affairs, May 8, 1777.
To *Schulenberg*. Proposing to visit Berlin, May 8, 1777.
To *Committee*. Prepares to go to Berlin, May 13, 1777.
From *Schulenberg*. Advised to postpone his visit, May 20, 1777.
To *Schulenberg*. Announcing his arrival at Berlin, June 5, 1777.
To *Schulenberg*. Sends a statement of value of American trade, June 7, 1777.
From *Schulenberg*. Informed that his residence at Berlin, as a mere individual, would not be disagreeable to the King, June 9, 1777.
To *Schulenberg*. Mentioning rates of insurance to America, June 10, 1777.
To *Committee*. Position of affairs at Berlin, June 11, 1777.
To *Franklin*. "Apathy" at Berlin, June 15, 1777.
From *Schulenberg*. Dilatory course of Prussia, June 18, 1777.
To *Schulenberg*. Asking permission for American cruisers to enter Prussian ports, June 20, 1777. Declined by Schulenberg, June 26, 1777.
To *Commissioners*. Reports stealing of his papers, June 28, 1777.
(J. Q. Adams' and other comments thereon, June 28, 1777, note. As to this theft, see Introduction, §§ 91, 144, 150, 193.)
To *King of Prussia*. As to alliance, June 29, 1777.
The King's notion of the theft, June 30, 1777.
To the *King*. As to the theft, July 1, 1777.
From the *King*. Referring him to Schulenberg, July 2, 1777.
To *Commissioners*. Reporting return of papers, July 6, 1777.
To *Congress*. Discussing his situation, July 29, 1777.
From *Committee*, Aug. 8, 1777.

LEE, ARTHUR—Continued.
To *Schulenberg*. Suggestions as to Prussian commerce, Aug. 13, 1777.
To *Gardoqui*. Disappointed at action of Spain, Aug. 18, 1777.
To *Committee*. Remarks as to decline of English commerce, Sept. 9, 1777.
To *Gardoqui*. Supposed settlement as to supplies, Sept. 25, 1777.
To *Committee*. Gives news from Spain as to supplies and declares Beaumarchais' supplies to have been gratuitous, Oct. 6, 1777.
From *Schulenberg*. Informed that Prussia will not receive American privateers, Oct. 8, 1777.
Reply. *A. Lee* to *Schulenberg*, Oct. 23, 1777.
To *Schulenberg*. Announces W. Lee's appointment to Berlin, Nov. 13, 1777.
To *Gardoqui*. Remarks as to supplies and prizes, Nov. 15, 1777.
To *Committee*. Reports refusal of Prussia to receive privateers and also suspension of supplies from Spain, Nov. 27, 1777.
From *Schulenberg*, Nov. 28, 1777.
(See *Schulenberg* to *A. Lee*, same date.)
To *Berkenhout*. Commissioners may receive but can not make peace overtures, Dec. 3, 1777.
To *Congress*. Reporting as to goods forwarded to care of Gerry, Dec. 8, 1777.
To *Congress*. As to excesses of American privateers; recommends Jennings and Digges for employment, Dec. 8, 1777.
To *Aranda*. Political relations, Dec. 9, 1777.
To *Schulenberg*. Is advised of his brother's rejection by Prussia as minister, Dec. 11, 1777.
To *Shelburne*. As to British enormities, Dec. 14, 1777.
From *Schulenberg*, Dec. 18, 1777.
(See *Schulenberg* to *A. Lee*, same date.)
From *Schulenberg*. Prussia refuses transit to British troops, Dec. 23, 1777.
To *Committee*. As to Spain and Prussia, Jan. 5, 1778.
From *Schulenberg*, Jan. 16, 1778.
(See *Schulenberg* to *A. Lee*, same date.)
To *Franklin*. Objecting to twelfth article of treaty of 1778, Jan. 30, 1778.
From *Franklin*. Agreeing to dropping article, Feb. 1, 1778.
Gerard to *Commissioners*. Not assenting to change from want of time, Feb. 2, 1778.
To *Schulenberg*. As to condition of war, Feb. 2, 1778.
To *Committee*. Narrative of proceedings in Spain; criticises proceedings of colleagues, Feb. 10, 1778.
To *Committee*. Statement as to Beaumarchais' gratuities, Feb. 15, 1778.
To *Franklin*. Complains that he was not advised of Simeon Deane's sailing with dispatches; considers the action of France "covert" and equivocal, Feb. 26, 1778.
From *Franklin* and *Deane*. Explaining their position, Feb. 27, 1778.
(See *Franklin* and *Deane* to *A. Lee*, same date.)
To *Commissioners*. Supposed promise of Spanish loan, Feb. 28, 1778.
From *Franklin*. Explaining difficulties as to opportunities for letters, Mar. 17, 1778.
To *Franklin*. His reception in Spain still postponed, Mar. 27, 1778.
To *Franklin* and *Deane*. Calls for settlement of accounts, Mar. 31, 1778.
From *Franklin*. In reply, Apr. 1, 1778.
(See *Franklin* to *A. Lee*, same date.)
From *Gardoqui & Co.*, Apr. 1, 1778.
(See *Gardoqui & Co.* to *A. Lee*, same date.)
To *Gerard*. Giving letters of introduction, Apr. 1, 1778.
From *Gerard*. Acknowledging, etc., Apr. 1, 1778.
(See *Gerard* to *A. Lee*, same date.)

LEE, ARTHUR—Continued.
To *Franklin.* Complaining of having Gerard's departure concealed from him and also of other concealments, Apr. 2, 1778.
To *Congress.* Complaints of Deane's accounts, Apr. 5, 1778.
From *Franklin,* Apr. 6, 1778.
(See *Franklin* to *A. Lee,* same date.)
To *Committee.* Complains of being misinformed of Deane's departure and sends copies of memorial to Holland, Apr. 8, 1778.
To *Committee.* Complaining of destruction of his letters and conspiracy against him, Apr. 14, 1778.
To *Vergennes* Warning against Hartley, Apr. 24, 1778.
From *Vergennes.* Reply to foregoing, Apr. 24, 1778.
(See *Vergennes* to *A. Lee,* same date.)
To *Commissioners* and *Committee.* Complains that Bancroft is a stock-jobber and communicates information to England, Apr. 26, 1778.
To *Committee.* Suspects Folger, Carmichael, and Deane, May 9, 1778.
From *Committee on Foreign Affairs,* May 14, 1778.
(See *R. H. Lee et al.* to *A. Lee,* same date.)
From *Izard,* May 18, 1778.
(See *Izard* to *A. Lee,* same date.)
To *Committee.* As to forwarding goods; complains of Franklin's and William's misconduct, May 20, 1778.
To *Committee.* As to forwarding goods, May 23, 1778.
To *Izard.* Criticises treaty of alliance, May 23, 1778.
To *Committee.* Complains of his colleagues; censure of Deane, Williams, and Franklin, June 1, 1778.
To *Dumas.* Reflections on French fleet; views as to Holland, June 4, 1778.
To *Committee.* Foreign prospects; criticises Williams, June 9, 1778.
To *Vergennes.* Acknowledges explanations as to twelfth article of commercial treaty, June 14, 1778.
To *Committee.* Information as to European movements, June 15, July 1, 1778.
To *Florida Blanca.* As to loan, July 18, 1778.
To *Committee.* Comments on pending negotiations, July 28, 29, 1778.
To *Committee.* Notices charges against Thornton, and states that his colleagues give information to stock-jobbers, Aug. 7, 1778.
From *Gardoqui.* Saying he can not get money in Spain, Aug. 13, 1778.
From *Gardoqui,* Aug. 20, 1778.
(See *Gardoqui* to *A. Lee,* same date.)
To *Commissioners.* European politics, Aug. 21, 31, 1778.
To *Gardoqui.* Presses for money and treaty, Aug. 27, Sept. 1, 1778.
To *Congress.* Announces remittances; criticises accounts of J. Williams; has dismissed Major Thornton; appointed Hezekiah Ford in his place, Sept. 9, 1778. (See same to same, Sept. 30, 1778.)
From *Gardoqui.* Asks what security he can give for loan, Sept. 28, 1778.
(See *Gardoqui* to *A. Lee,* same date.)
To *Gardoqui.* Complains that Vergennes' charges against him are undeserved; complains that Spain will not treat, Oct. 6, 1778.
To *Adams.* Offers a room in his house for legation papers and business, Oct. 6, 1778.
From *Adams.* This offer declined, and Lee invited to dwell with the other commissioners, Oct. 10, 1778.
To *Vergennes.* Urges Vergennes to press Spain to treat with the United States, Oct. 12, 1778.
To *Adams.* Declines to move to Passy, but invites legation to his own house, Oct. 12, 1778.

LEE, ARTHUR—Continued.
From *Vergennes*. Advising him not to press matters in Madrid, Oct. 17, 1778.
To *Schulenberg*. Complaining of his being cheated as to purchase of arms in Prussia, Oct. 21, 1778.
From *Vergennes*, Oct. 24, 1778.
(See *Vergennes* to *A. Lee*, same date.)
To *Committee*. As to foreign affairs, Nov. 4, 15, 1778.
To *Committee*. Giving erroneous information as to proposed British campaign. Nov. 25, 1778. (See Introduction, §§ 150 *ff.*)
To *Gardoqui*. Difficulty in obtaining funds for purchases in Spain, Dec. 4, 1778.
To *Committee*. Views as to European affairs, Dec. 5, 1778.
To *Florida Blanca*. On British cruelties, Dec. 17, 1778.
To *Schulenberg*. Defective Prussian supplies; British barbarities, Dec. 25, 1778.
To *Florida Blanca*. British barbarities, Dec. 27, 1778.
To *Vergennes*. Reports application of Berkenhout for an interview, Jan. 3, 1779, (Vergennes replies that it is inexpedient. *Vergennes* to *A. Lee*, Jan. 4, 1779; *A. Lee* to *Committee*, Jan. 5, 1779. See Introduction, § 204.)
To *Committee*. Views as to European affairs and criticisms on his colleagues, Jan. 5, 1779.
From *Committee*, Jan. 6, 1779.
(See *Lee* to *Committee*, same date.)
To *Berkenhout*. Saying that independence is a condition of peace, Jan. 7, 1779.
From *Vergennes*, Jan. 7, 1779.
(See *Vergennes* to *A. Lee*, same date.)
To *Vergennes*. Informing him of this, Jan. 8, 1779.
From *Vergennes*. Reply, Jan. 10, 1779.
To *Committee*. Discussing European affairs, Jan. 15, 1779.
From *Price*, Jan. 18, 1779.
(See *Price* to *A. Lee*, same date.)
Defended by Adams. *Adams* to *Vergennes*, Feb. 11, 1779.
From *Vergennes*, Feb. 15, 1779.
(See *Vergennes* to *Lee*, same date.)
His interference causes failure in purchases for Virginia. *Franklin* to *Henry*, Feb. 16, 1779.
To *Franklin*. Denouncing Deane, Feb. 18, 1779.
From *Franklin*. Calling for papers, Feb. 18, 1779.
(See *Franklin* to *Lee*, same date.)
Charges against, discussed by. *Adams* to *Lovell*, Feb. 20, 1779.
Franklin. In reply to Lee's call, etc., Feb. 21, 1779.
To *Congress*. Complaining of Franklin, Deane, and Williams, Feb. 25, Mar. 7, 1779.
From *Franklin*. Replying as to papers and calling on him to substantiate his charges against Williams, Mar. 13, 1779.
To *Franklin*. In reply, Mar. 19, 1779.
From *Franklin*. (Two letters), Mar. 27, 1779.
(See *Franklin* to *A. Lee*, same date.)
As to difficulties from repudiation of contract with Acosta. *Franklin* to *W. Lee*, Apr. 2, 1779.
To *Congress*. As to expected raid on Connecticut River, Apr. 6, 1779. (See Introduction, § 151.)
Difficulties as to his purchase of stores. *Franklin* to *Johnson*, Apr. 8, 1779.
Fails to sustain his case against Williams. *Franklin* to *Williams*, Apr. 8, 1779.
Action of Congress as to his recall; States equally divided, May 3, 1779.
To *Committee*. Discusses affairs in Europe, Apr. 22, May 21, 1778.
To *Committee*. As to Petrie's charges, Apr. 16, 26, 1779.
Managed the Spanish loan by himself. *Franklin* to *Committee*, May 26, 1779.

LEE, ARTHUR—Continued.
To *Congress.* Resignation of commission, May 31, 1779.
To *Congress.* Franklin does not reply to his attacks. *Franklin* to *Lovell,* June 2, 1779.
Sends memorial to Bache, June 6, 1779.
To *Aranda* for *court of Spain.* Giving advice, June 6, 1779.
Writes to Adams for a certificate as to his character, June 8, and Adams' reply, June 9, 1779.
From *Lovell,* June 13, 1779.
(See *Lovell* to *Lee,* same date.)
Lovell's views as to. *Lovell* to *Adams,* June 13, 1779.
To *Committee.* Reports Spain's declaration of war, June 21, 1779.
To *Florida Blanca.* As to Spain's action, June 6, 27, 1779.
From *Florida Blanca,* Aug. 6, 1779.
(See *Florida Blanca* to *Lee,* same date.)
To *Franklin.* As to applying to Vergennes to address court of Spain, Aug. 14, 1779.
To *Committee.* As to foreign affairs, Aug. 10, 24, 1779.
To *Committee.* Asks to be heard, Sept. 10, 1779.
To *Congress.* Protests against action of Congress in relation to, Sept. 19, 1779.
Succeeded by Jay. Proceedings of Congress, Sept. 27, 1779. *Lovell* to *Adams,* Sept. 27, 1779.
From *Franklin.* His return to America advised by Franklin, Sept. 30, 1779.
To *Committee.* Announces Rodney's movements and complains of Franklin's refusing him funds, Oct. 13, 1779.
From *Lovell.* Advising him of his recall, Oct. 13, 1779.
To *Committee.* English politics, Oct. 21, 1779.
To *Committee.* Instructions and salary asked; plans of the French; affairs in Great Britain; Spanish ultimatum; English manifesto, Nov. 6, 1779.
To *Congress.* Changes in British ministry; Franklin's refusal to furnish money, Nov. 30, Dec. 8, 1779.
To *Committee.* Remains till Jay's arrival, Dec. 25, 1779.
To *Congress.* Takes leave of French court; announces a British expedition to take place in two months for Boston, Jan. 19, 1780.
From *Jay,* Jan. 26, 1780.
(See *Jay* to *A. Lee,* same date.)
To *Adams.* Not acceptable, according to Carmichael, to France, Mar. 15, 1780.
To *Jay.* Recommends Gardoqui, and speaks well of Spain, Mar. 17, 1780.
From *Adams,* Mar. 31, 1780.
(See *Adams* to *A. Lee,* same date.)
His hostility to Franklin upon his taking leave. *Franklin* to *Carmichael,* Mar. 31, 1780.
Denounces and challenges Gerard for advising his removal. Introduction, §§ 145 *ff.*
From *Adams,* May 25, 1780.
(See *Adams* to *A. Lee,* same date.)
His conduct on the *Alliance* may justify refusing him passage. *Franklin* to *Jones,* June 17, 1780.
Hostility to Paul Jones. *Jones* to *Franklin,* June 27, 1780.
To *Congress.* Has arrived in Philadelphia and desires to be heard if there be any charge against him, Oct. 7, 1780.
To *Congress.* Refers to foreign affairs and the unlikelihood of obtaining adequate loans and makes a bitter attack on Franklin, Dec. 4, 1780.
His unconciliatory course to France. *Vergennes* to *Luzerne,* Feb. 14, 1781.
His intrigues against Washington and Franklin. *Carmichael* to *Franklin,* Feb. 28, 1781.

LEE, ARTHUR—Continued.
His conduct in respect to the sailing of the *Alliance* in June, 1780. *Jones* to *Admiralty Committee*, Mar. 13, 1781.
Continued assaults on Franklin. *G. Morris* to *Franklin*, Sept. 28, 1782.
Views of, as to course of negotiations in Paris in separating from France (given in *Madison's report of debates*, under date of Mar. 18, 19, 1783).
LEE, Captain—
Proceedings against, for piracy, at Madrid. *Deane* to *Committee*, Oct. 17, 1776.
Released by Spain. *Deane* to *Committee*, Nov. 27, 1776.
LEE, CHARLES—
Consulted by Franklin, Feb. 11, 1776. (See *Franklin* to *C. Lee*, same date.)
His relation to R. H. Lee and his subsequent disloyalty. Introduction, §§ 10, 11; note to *Franklin* to *Lee*, Feb. 11, 1776.
LEE, R. H.—
His antipathy to Franklin; his sympathy with S. Adams. Introduction, §§ 11, 14*f*, 145*ff*.
Alleged cabal against Washington. Introduction, § 11.
Referred to in Lee-Colden correspondence under date of Feb. 13, 1776.
His attendance in Congress. *Harrison* to *Morris*, June 8, 1778.
From *Adams*, Aug. 5, 1778.
(See *Adams* to *Lee*, same date.)
LEE, T. S.—
To *Livingston*. As to Maryland, Apr. 19, 1782.
LEE, WILLIAM—
His diplomatic appointments. Introduction, §§ 19, 178.
His English political associations. *Ibid.*, § 175.
His diplomatic posts. *Ibid.*, § 176.
His commercial appointments. *Ibid.*, § 177.
Charged with disclosing diplomatic secrets and proposed duel. *Ibid.*, § 177.
To *Dumas*. Condition of English politics; Americans supposed to be in want of arms, Sept. 10, 1776.
Visit to Germany. *A. Lee* to *Congress*, Apr. 2, 1777.
From *Congress*. Instructions as minister to Germany, July 1, 1777.
(See *Congress* (*Hancock*) to *W. Lee*, same date.)
To *Committee*. Acknowledges receipt of commission to Berlin and Vienna, Oct. 7, 1777.
To *Thomson*. Acknowledging his commission, Nov. 24, 1777.
Prussia will not receive him. *Schulenberg* to *A. Lee*, Nov. 28, 1777.
(See *A. Lee* to *Schulenberg*, Dec. 11, 1777.)
To *Thomson*. Saying he proposes to go to Vienna as minister, and that Prussia is favorable, Dec. 18, 1777.
To *Congress*. As to good effects of Burgoyne's surrender, Feb. 7, 1778.
Furnished 1,000 guineas for expenses of mission in Germany. *Commissioners* to *Committee*, Feb. 16, 1778.
To *Congress*. Enters on commercial agency on death of Morris. *Commissioners* to *Committee*, Feb. 28, 1778.
Accredited both to Prussia and the Empire. *Izard* to *Laurens*, Apr. 11, 1778.
Difficulties from his seizure of T. Morris's papers. *Franklin* to *Ross*, Apr. 26, 1778,
From *Committee*, May 14, 1778.
(See *R. H. Lee et al.* to *W. Lee*, same date.)
Recognized as commercial agent, superseding Williams, May 25, 1778.
Court at Vienna refused to receive him. *Izard* to *Laurens*, July 25, 1778.
To *Congress*. Reports as to German affairs, Sept. 12, 19, 1778.
From *Commissioners*. Declining to express opinion as to his project of treaty with Holland, Sept. 26, 1878.
To *Congress*. Forwards draught of treaty with Holland, Oct. 15, 1778.

LEE, WILLIAM—Continued.
Draught criticised by commissioners, Oct. 16, 1778.
From *Committee on Foreign Affairs*, Oct. 28, 1778
(See *R. H. Lee* and *Lovell* to *W. Lee*, same date.)
Rejected by Prussia. *Schulenberg* to *A. Lee*, Nov. 28, 1778.
From *Commissioners*, Jan. 13, 1779.
(See *Franklin et al.* to *Lee*, same date.)
Franklin's objections to paying salary of. *Franklin* to *Committee*, Jan. 15, 1779.
To *Committee*. Reports plan of treaty with Amsterdam; commissioners decline paying his further salary, Feb. 25, 1779.
To *Committee*. Criticises Deane, Mar. 16, 25, 1779.
To *Congress*. Defines his position in reply to Deane, Mar. 16, 1779.
From *Franklin*, Apr. 2, 1779.
(See *Franklin* to *W. Lee*, same date.)
Difficulties as to supplies purchased by him. *Franklin* to *Johnson*, Apr. 8, 1879.
Objections to paying salary of. *Franklin* to *Committee*, May 26, 1779.
To *A. Lee* and *Izard*. Takes advice as to his duty to call on Prussia to acknowledge independence of United States, June 22, 1779.
From *Committee on Foreign Affairs*. Recalled from Vienna and Berlin, July 17, 1779.
(See *Lovell* to *W. Lee*, same date.)
To *Committee*. Views as to foreign affairs; refusal of Prussia to receive him, Sept. 29, 1879.
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To *Adams*. Censures Dumas and gives his opinion as to French naval policy, July 8, 1780.
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To *Adams*. Failure in correspondence; continual British outrages, May 30, 1782.
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To *Congress*. Departure of Rochambeau and French forces, Dec. 9, 1782.
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(See *Franklin* to *Livingston*, same date.)
From *Dana*, Dec. 27, 1782.
(See *Dana* to *Livingston*, same date.)
From *Dana*, Dec. 30, 1782.
(See *Dana* to *Livingston*, same date.)
From *Carmichael*, Dec. 30, 1782.
(See *Carmichael* to *Livingston*, same date.)
To *Congress*. Reporting oral communication made by French minister as to the peace negotiations, Dec. 30, 1782.
To *Jay*, Dec. 30, 1782. (See *infra*, under date of Jan. 4, 1783.)
To *Franklin*. Financial difficulties, Jan. 2, 1783.
From *Dana*, Jan. 3, 1783.
(See *Dana* to *Livingston*, same date.)
To *Greene*. Giving an account of foreign loans to date, Jan. 4, 1783.
To *Jay*. Regretting Jay's distrust of France, which he holds to be unwarranted; considers Vergennes' course to have been fair and governed by an anxious desire for peace; Vergennes himself has declared that he was determined not to interfere between Spain and the United States; France never took ground against us on the fisheries, though advising us not to hazard the peace for them; attaches no consequence to the Marbois letter, Jan. 4, 1783. (In MSS., Department of State, under date Dec. 30, 1782.)
To *Franklin*. Urgent necessity for further French loans; trade with Great Britain to rest on reciprocity; restoration of confiscated property impossible; fisheries should be held; impolicy and wrongfulness of distrust of France, Jan. 6, 1783.
To *La Fayette*. Regrets the departure of French troops; financial difficulties, Jan. 10, 1783.
From *Luzerne*, Jan. 10, 1783.
(See *Luzerne* to *Livingston*, same date.)
From *Dumas*, Jan. 11, 1783.
(See *Dumas* to *Livingston*, same date.)

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From *Dana*, Jan. 15, 1783.
(See *Dana* to *Livingston*, same date.)
From *Carmichael*, Jan. 18, 1783.
(See *Carmichael* to *Livingston*, same date.)
From *Dumas*, Jan. 20, 1783.
(See *Dumas* to *Livingston*, same date.)
From *Franklin*, Jan. 21, 1783.
(See *Franklin* to *Livingston*, same date.)
From *Adams*, Jan. 22, 1783.
(See *Adams* to *Livingston*, same date.)
From *Adams*, Jan. 23, 1783.
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From *Dana*, Jan. 31, 1783.
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From *La Fayette*, Feb. 5, 1783.
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From *Adams*, Feb. 5, 1783.
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From *Jefferson*, Feb. 7, 1783.
(See *Jefferson* to *Livingston*, same date.)
From *Dana*, Feb. 10, 1783.
(See *Dana* to *Livingston*, same date.)
To *Adams*. Congratulatory on peace; financial difficulties, Feb. 13, 1783.
To *Jefferson*. His departure no longer necessary, Feb. 14, 18, 1783.
To *Greene*. As to evacuation of Charleston, and effect of British cruelties, Feb. 14, 1783.
From *Carmichael*, Feb. 21, 1783.
(See *Carmichael* to *Livingston*, same date.)
From *Dana*, Feb. 25, 1783.
(See *Dana* to *Livingston*, same date.)
To *Congress*. Advising that Dana should be recalled from Russia, Feb. 26, 1783.
To *Washington*. Generally as to peace, Feb. 26, 1783.
From *La Fayette*, Mar. 2, 1783.
(See *La Fayette* to *Livingston*, same date.)
From *Adams*, Mar. 2, 1783.
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From *Dumas*, Mar. 4, 1783.
(See *Dumas* to *Livingston*, same date.)
From *Dumas*, Mar. 5, 1783.
(See *Dumas* to *Livingston*, same date.)
From *Dana*, Mar. 7, 1783.
(See *Dana* to *Livingston*, same date.)
From *Franklin*, Mar. 7, 1783.
(See *Franklin* to *Livingston*, same date.)
From *Dana*, Mar. 12, 1783.
(See *Dana* to *Livingston*, same date.)
To *Greene*. Satisfactory character of the peace, Mar. 12, 1783.
To *Washington*. Analysis of the preliminaries; belief that "the enemy will leave these States," Mar. 12, 1783.
From *Carmichael*, Mar. 13, 1783.
(See *Carmichael* to *Livingston*, same date.)
To *Congress*. Advises that sufficient forces be sent to Southern States to guard against attack by Spain or England, Mar. 13, 1783.

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From *Luzerne*, Mar. 18, 1783.
(See *Luzerne* to *Livingston*, same date.)
To *Governors of States*. As to peace, Mar. 18, 1783.
To *Congress*. Impropriety of concealments of preliminaries from France; France has given us no ground of suspicion; the separate article should at once be communicated to her, Mar. 18, 1783.
From *Dana*, Mar. 21, 1783.
(See *Dana* to *Livingston*, same date.)
To *Congress*. Giving communications from French minister as to importance of good relations with Spain and as to preparation for contingency of war, Mar. 22, 1783.
To *Sir Guy Carleton*. Announcing recall of French cruisers, Mar. 24, 1783.
(For Carleton's reply, see letter of Mar. 26, 1783.)
To *Washington*. Announcing general peace, Mar. 24, 1783.
To *Commissioners*. Treaty approved; separate article condemned, Mar. 25, 1783.
From *Carleton*, Mar. 26, 1783.
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To *Franklin*. Satisfied with peace, but not with treatment of France; financial difficulties, Mar. 26, 1783.
From *Dumas*, Mar. 27, 1783.
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From *Digby*, Mar. 27, 1783.
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From *Paca*, Apr. 4, 1783.
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From *Carleton*, Apr. 6, 1783.
(See *Carleton* to *Livingston*, same date.)
From *Jay*, Apr. 7, 1783.
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To *Congress*. Announcing cessation of arms, Apr. 10, 1783.
To *Carleton*. Urging execution of stipulations in treaty, Apr. 11, 1783.
From *Jay*, Apr. 11, 1783.
(See *Jay* to *Livingston*, same date.)
To *Washington*. As to exchange of prisoners and evacuation of New York, Apr. 12, 1783.
To *Digby*. As to restitution of vessels taken after peace, Apr. 12, 1783.
To *Greene*. As to release of prisoners and restitution of vessels, Apr. 12, 1783.
To *Adams*. As to salary; extols the course of France; regrets the Dutch troubles, Apr. 14, 1783.
From *Adams*, Apr. 14, 1783.
(See *Adams* to *Livingston*, same date.)
From *Carleton*, Apr. 14, 1783.
(See *Carleton* to *Livingston*, same date.)
From *Franklin*, Apr. 15, 1783.
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From *Dana*, Apr. 17, 1783.
(See *Dana* to *Livingston*, same date.)
From *Dumas*, Apr. 18, 1783.
(See *Dumas* to *Livingston*, same date.)
To *Commissioners*. Preliminaries of 1782 ratified before arrival of definitive treaty, except separate article, which ceased to have effect, Apr. 21, 1783.
To *Congress*. Advises that treaty in Russia should not be purchased by fees, Apr. 21, 1783. (See *Gratuities*.)

LIVINGSTON, R. R.—Continued.
From *Jay*, Apr. 22, 1783.
(See *Jay* to *Livingston*, same date.)
From *Dana*, Apr. 22, 1783.
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From *Washington*, April 22, 1783.
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From *Dana*, April 25, 1783.
(See *Dana* to *Livingston*, same date.)
From *Franklin*, April 27, 1783.
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From *Luzerne*, April 29, 1783.
(See *Luzerne* to *Livingston*, same date.)
To *Dana*. Directing his return; he has no power to sign a commercial treaty; the United States give no presents to foreign officials, May 1, 1783.
To *La Fayette*. Congratulations as to peace and prospects of Spanish settlement, May 1, 1783.
To *Carmichael*. Hopes of closer connection with Spain; satisfaction with treaty, May 7, 1783.
From *Dumas*, May 8, 1783.
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To *H. Laurens*. With permission to return to the United States, May 8, 1783.
To *Franklin*. Anxious for information as to definitive peace, May 9, 1783.
To *Committee of Congress*. Can not continue to hold office "in the present establishment;" has duties as chancellor of New York, and is bound to do more for the restoration of his private affairs, May 9, 1783.
From *Dana* (two letters), May 9, 1783.
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From *Dana*, May 13, 1783.
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From *Washington*, May 13, 1783.
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To *Congress*. As to surrender of his papers, May 21, 1783.
From *Adams*, May 24, 1783.
(See *Adams* to *Livingston*, same date.)
From *Dumas*, May 25, 1783.
(See *Dumas* to *Livingston*, same date.)
To *Nourse*. Summary of foreign loans to the United States, May 26, 1783.
To *Dana*. Sending action of Congress, May 27, 1783.
To *Commissioners at Paris*. As to British violation of treaty, May 28, 1783.
From *Adams*, May 30, 1783.
(See *Adams* to *Livingston*, same date.)
From *Dana*, May 30, 1783.
(See *Dana* to *Livingston*, same date.)
From *Jay*, May 30, 1783.
(See *Jay* to *Livingston*, same date.)
To *Commissioners*. Complaining of want of information, and giving action of Congress as to British debts, May 31, 1783.
To *Franklin*. As a last official letter, asking him to keep in mind certain unsettled questions, May 31, 1783.
From *Jay*, June 1, 1783.
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To *Congress.* Report upon Dumas' letter as to the propositions of Holland to the United States to accede to a treaty of armed neutrality, June 3, 1783.
From *Thomson.* Regretting resignation, June 4, 1783.
To *Thomson.* Placing the papers in his hands, June 5, 1783.
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From *Adams,* June 9, 1783.
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From *Franklin,* June 12, 1783.
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To *Jay.* Congratulations upon treaty; no disturbance in New York, June 14, 1783.
To *Congress.* Taking leave, June 14, 1783.
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From *Dana,* June 17, 1783.
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From *Dumas,* June 20, 1783.
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From *Dumas,* June 23, 1783.
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From *Adams,* June 24, 1783.
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From *Dana,* June 24, 1783.
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From *Adams* (two letters), June 27, 1783.
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From *Dana,* July 1, 1783.
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From *Adams,* July 3, 1783.
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From *Dana,* July 8, 1783.
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From *Adams,* July 9, 1783.
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From *Adams,* July 11, 1783.
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From *Adams,* July 12, 1783.
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From *Adams,* July 13, 1783.
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From *Adams* (two letters), July 14, 1783.
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From *Adams,* July 18, 1783.
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From *Jay*, July 19, 1783.
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From *Carmichael*, July 22, 1783.
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From *Adams* July 23, 1783.
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From *Adams* (two letters), Aug. 13, 1783.
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From *Adams*, Aug. 15, 1783.
(See *Adams* to *Livingston*, same date.)
From *Dana*, Aug. 17, 1783.
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From *Carmichael*, Aug. 30, 1783.
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From *Jay*, Sept. 12, 1783.
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LLOYD ET AL.—
From *Franklin*, Feb. 1, 1779.
(See *Franklin* to *Lloyd et al.*, same date.)
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LOANS—
Right of neutral to make, to belligerent. Introduction, § 100.
French, to the United States defined by "contract" of Feb. 25, 1783. *Ibid.* § 64.
Need of, from France. *Committee* to *Deane*, Oct. 1, 1776; *Deane* to *Morris*, Sept. 20, Oct. 1, 1776; *Carmichael* to *Committee*, Nov. 2, 1776.

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Not obtainable in Holland. *Adams* to *Congress*, Jan. 4, 1781; *same* to *same*, June 14, 15, 1781; *Adams* to *Franklin*, Apr. 27, 1781.
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More hopes in Holland. *Adams* to *Congress*, Feb. 15, 1781.
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Hesitation of, as to French interference; his cabinet. Introduction, § 37.
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To *Congress*. Announces sailing of D'Estaing's fleet (see, also, Introduction, §§ 37 *ff*). Mar. 26, 1778.
Picture of, asked by commissioners, Nov. 12, 1778.
Good qualities of. *Franklin* to *Congress*, Aug. 7, 1780.
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Louis XVI and Marie Antoinette. Arrival of portraits of. *Luzerne* to *Congress*. Apr. 6, 1784; *Congress* to *King of France*, Apr. 16, 1784.
Louis Philippe. Settlement of Beaumarchais' claim. Introduction, § 71.
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As committee of correspondence. (See *Committee*.)
His opposition to Washington. Introduction, § 11.
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To *Washington*, as to Coudray and other French officers, July 24, 1777.
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To *Commissioners*. Failure of correspondence, Apr. 30, 1778.
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To *Franklin*. Evacuation of Philadelphia; acknowledging papers, June 20, 1778.
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From *Franklin*, July 22, 1778.
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To *Franklin*. As to currency, Dec. 8, 1778.
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To *A. Lee*. Reporting action as to Lee's recall and on the cases of Deane and Izard; committee of foreign affairs broken up, Lovell alone remaining; opposition to A. Lee, June 13, 1779.
To *Adams*. Report of congressional action as to ministers at Paris, June 13, 1779.
To *Franklin*. As to raid in Connecticut, and diplomatic arrangement, July 16, 1779.
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To *W. Lee*. Announcing his recall, July 17, 1779.
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To *A. Lee*. Committee of foreign affairs has virtually ceased to exist; position of A. Lee's affairs, Aug. 6, 1779.
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To *Adams*. Account of election of commissioners, Sept. 27, 28, 1779.

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To *A. Lee*. Announcing Jay's appointment to Spain, Oct. 13, 1779.
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To *Laurens*. As to currency, Dec. 11, 1779.
To *Franklin*. As to correspondence, Feb. 24, 1780.
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From *Jay*, May 27, 1780.
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To *Jay*. As to finances, June 16, 1780.
To *Dumas*. Commendation; introducing Searle, July 10, 1780.
To *Dohrman*. Announcing his appointment as agent, July 11, 1780.
To *Franklin*. As to overdrafts of bills, July 11, 1780.
To *Adams*. As to loan in Holland, July 11, 1780.
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To *Adams*. As to drafts, July 12, 1780.
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To *Franklin*. As to finances, Aug. 15; Sept. 7, 1780.
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To *Adams*. As to failure of letters, Oct. 28, 1780.
To *Franklin*. As to forwarding letters to Jay, Oct. 28, 1780.
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(See *Franklin* to *Lovell*, same date.)
To *Franklin*. Palfrey sent as general agent, Dec. 21, 1780.
To *Jay*. Instructions sent; dispatches tampered with; office for foreign affairs established, Feb. 20, 1781.
To *Jay*. Sends gazettes and journals and resolutions of Congress respecting ratification of the articles binding the thirteen States, Mar. 9, 1781.
To *Franklin*. Gazettes, journals, and resolutions of Congress forwarded; dispatches received; sentiments as to time of his announcing his powers to Great Britain and on calling in paper money expressed to Adams, Mar. 9, 1781.
To *Franklin*. Sends newspapers and journals; English fleet leave Chesapeake Bay after the battle with the French; battle between Greene and Cornwallis, Mar. 31, 1781.
To *Franklin*. Barbarous treatment of Curson, Gouverneur, and Witherspoon at Eustatia, May 9, 1781.
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To *Jay*. Inclosing papers, June 4, 1781.
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To *Jay*. Inclosing papers, June 15, 1781.
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LOYALISTS—
Deterred from enlisting in British army by spectacles of British cruelty. Introduction, § 22. (See *Tories.*)
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Instruction of Congress against restoration of, Oct. 18, 1780.
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Question of restoration of property to. *Oswald* to *Commissioners*, Nov. 4, 1782; *Strachey* to *Commissioners*, Nov. 5, 1782; *Adams' diary*, Nov. 20, 1782, *et seq.*
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Opposition of commissioners to re-instatement of. *Adams* to *Livingston*, Nov. 11, 1782; *Adams' journal*, Nov. 11, 1782, *et seq.*; *Franklin* to *Oswald*, Nov. 26, 1782.
Importance of faithful performance of the treaty engagements as to. *Commissioners* to *Congress*, Sept. 10, 1783; *Jay* to *Livingston*, Sept. 13, 1783; *Jay* to *Hamilton*, Sept. 28, 1783.
Kindly treatment of, in New York. *Livingston* to *Jay*, Nov. 29, 1783. (See *Tories.*)
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Commendation of. *Franklin* to *Adams*, May 10, 1779; *Adams* to *Congress*, Aug. 3, 1779.
Minister from France; conference with Washington, Sept. 16, 1779.
Addresses Adams, Sept. 29, 1779.
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To *Congress.* As to campaign, Nov. 26, Dec. 6, 1779.
From *Holker*, Jan. 10, 1780.
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To *Congress.* Importance of obtaining supplies for navy, Jan. 10, 1780.
To *Washington.* Importance of maintenance of French alliance, Jan. 23, 1780 (with inclosures, giving Spanish ultimatum and manifesto).
To *Congress.* Announces appointment of Anmours as French consul in North Carolina, Jan. 24, 1780.
To *Congress.* Importance of coming campaign, Jan. 25, 1780.
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Views as to Spanish mediation and to approaching campaign, Jan. 28, 1780.
Answer of Congress, promising adequate forces, Jan. 31, 1780.
Represents to Congress the importance of coming to an arrangement with Spain as to western boundaries and Florida, Feb. 2, 1780.
From *Washington*, Feb. 4, 1780.
(See *Washington* to *Luzerne*, same date.)
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LUZERNE—Continued.
From *Franklin*, Mar. 5, 1780.
(See *Franklin* to *Luzerne*, same date.)
To *Congress*. Fitting out frigate *Confederation*, Mar. 8, 1780.
To *Washington*. Thanks Washington for attention to Miralles, agent of Spain, Apr. 29, 1780.
From *Washington*, May 5, 1780.
(See *Washington* to *Luzerne*, same date.)
From *Washington*, May 11, 1780.
(See *Washington* to *Luzerne*, same date.)
From *Washington*, May 14, 1780.
(See *Washington* to *Luzerne*, same date.)
To *Congress*. Urges energy and concert, and asks for information as to the ports of North America. *Luzerne* to *Congress*, May 16, 1780.
Refers Washington to La Fayette for consultation as to campaign, May 21, 1780.
Conference with Congress as to coming campaign, May 24, June 5, 1780.
From *Washington*, June 5, 1780.
(See *Washington* to *Luzerne*, same date.)
To *Congress*. Urges energetic military action, June 18, 1780.
To *Congress*. Information as to campaign, June 28, 1780.
From *Washington*, July 2, 1780.
(See *Washington* to *Luzerne*, same date.)
From *Congress*, July 7, 1780.
(See *Congress* to *Luzerne*, same date.)
To *Congress*. Announces arrival of French forces in America, July 22, 1780.
To *Congress*. Calls for American naval co-operation, July 25, 1780.
From *Reed*, July 25, 1780.
(See *Reed* to *Luzerne*, same date, inclosed, *Luzerne* to *Congress*, July 26, 1780.)
To *Washington*. Places navy on Delaware under Washington's command, July 30, 1780.
From *Washington*, Aug. 4, 1780.
(See *Washington* to *Luzerne*, same date.)
From *Washington*, Aug. 6, 1780.
(See *Washington* to *Luzerne*, same date.)
To *Congress*. Co-operation of both France and Spain to be relied on, Aug. 15, 1780.
To *Congress*. As to financial aid, Sept. 1, 1780.
From *Washington*, Sept. 12, 1780.
(See *Washington* to *Luzerne*, same date.)
To *Congress*. Announces appointment of Marbois as chargé, Sept. 16, 1780.
To *Congress*. Suggests certain shipping regulations, Nov. 1, 1780.
From *Vergennes*, Dec. 4, 1780.
(See *Vergennes* to *Luzerne*, same date.)
To *Washington*. Plans for campaign, Dec. 5, 1780.
From *Washington*, Dec. 14, 1780.
(See *Washington* to *Luzerne*, same date.)
To *Congress*. Letter of the King of France to the Duc de Penthièvre in relation to American prizes in his ports; will be treated like French, Jan. 15, 1781.
From *Vergennes*, Feb. 14, 1781.
(See *Vergennes* to *Luzerne*, same date.)
To *Congress*. Arrival of M. de Tilly with a French squadron in the Chesapeake, Feb. 25, 1781.
To *Congress*. Morris authorized to draw bills of exchange, Feb. 28, 1781.
To *Congress*. Prizes captured by Tilly; Luzerne desires Congress to appoint a committee with whom he may communicate, Mar. 2, 1781.
From *Destouches*, Mar, 19, 1781.
(See *Destouches* to *Luzerne*, same date.)

LUZERNE—Continued.
To *Congress.* France will continue with her army and navy in America; Congress must not look to France for pecuniary supplies, nor draw bills of exchange and expect her to meet them; funds will be furnished for the supplies ordered by Franklin; Congress must furnish French fleet in America with supplies, to be paid by bills on French treasury, Mar. 24, 1781.
To *Washington.* Incloses open letter to Rochambeau and one from Destouches; laments ill success of expedition, Mar. 27, 1781.
From *Washington*, Mar. 31, 1781.
(See *Washington* to *Luzerne*, same date.)
To *Destouches.* As to proposed military movements, May 7, 1781.
To *Washington.* Inclosing last, May 7, 1781.
To *Congress.* As to frauds by English privateers, May 9, 1781.
From *Washington*, May 23, 1781.
(See *Washington* to *Luzerne*, same date.)
To *Washington.* As to plan of campaign and as to French subsidies and supplies, May 25, 1781.
To *Congress.* As to mediation; advises instructions to American ministers abroad to enter on peace negotiations, May 26, 1781.
To *Congress.* Objections to appointment of Dana to Russia; embarrassments arising from Adams' undertaking a position as to England independent of that of France; necessity of concert; position of France as to mediation, May 28, 1781.
To *Washington.* As to plans of campaign and subsidies, June 1, 1781.
From *Morris*, June 8, 1781.
(See *Morris* to *Luzerne*, same date.)
From *Washington*, June 13, 1781.
(See *Washington* to *Luzerne*, same date.)
To *Congress.* As to tender laws; neutral rights; Cumberland's position in Spain; French efforts at aiding America; as to mediation; France obliged to help the Dutch; as to subsidies, June 18, 1781.
To *Congress.* Communications as to European affairs, July 23, 1781.
To *Congress.* As to consular system, July 26, 1781.
From *Morris*, Aug. 2, 1781.
(See *Morris* to *Luzerne*, same date.)
To *Congress.* As to recognition of Etombe as consul for New England, Aug. 23, Sept. 7, 1781.
To *Congress.* As to commission of Holker as consul for the Middle States, Sept. 10, 1781.
From *Morris*, Sept. 20, 1781.
(See *Morris* to *Luzerne*, same date.)
To *Congress.* As to mediation; as to Dana's position at Russia and that of Adams at Holland; as to the application of Colonel Laurens; as to the guaranty by France of the Dutch loan; that further aid could not be granted; that all bills drawn by Congress on Jay, Adams, and Laurens had been turned by by them for payment to Franklin, that is to say, to France, Sept. 21, 1781.
From *Congress*, Sept. 25, 1781.
(See *McKean* (*Congress*) to *Morris*, same date.)
From *Morris*, Sept. 25, 1781.
(See *Morris* to *Luzerne*, same date.)
From *Livingston*, Oct. 24, 1781.
(See *Livingston* to *Luzerne*, same date.)
From *Livingston*, Nov. 2, 1781.
(See *Livingston* to *Luzerne*, same date.)
From *Morris*, Nov. 3, 1781.
(See *Morris* to *Luzerne*, same date.)

LUZERNE—Continued.
To *Washington.* Congratulations, Nov. 4, 1781.
To *Livingston.* Congratulations, Nov. 4, 1781.
(See *Livingston* to *Congress*, Nov. 6, 1781; *Livingston* to *Luzerne*, same date.)
From *Morris*, Nov. 6, 1781.
(See *Morris* to *Luzerne*, same date.)
From *Livingston*, Nov. 6, 1781.
(See *Livingston* to *Luzerne*, same date.)
From *Livingston*, Nov. 21, 1781.
(See *Livingston* to *Luzerne*, same date.)
To *Livingston.* As to peace commission; communicates correspondence as to declination of mediation, Nov. 21, 1781.
From *Morris*, Nov. 22, 26, 1781.
(See *Morris* to *Luzerne*, same dates.)
To *Livingston.* As to admiralty courts, Dec. 11, 1781.
From *Livingston*, Dec. 21, 1781.
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From *Livingston*, Jan. 19, 1782.
(See *Livingston* to *Luzerne*, same date.)
To *Livingston.* Want of proper admiralty process in Massachusetts, Jan. 20, 1782.
From *Livingston*, Jan. 24, 1782.
(See *Livingston* to *Luzerne*, same date.)
To *Congress.* Loan opened in Holland in Oct., 1781, taken up, Jan. 28, 1782.
Gives oral statement to Livingston of position of European affairs and of attitude of France. *Livingston* to *Congress*, Jan. 29, 1782.
Action of Congress thereon, Feb. 8, 1872.
To *Livingston.* Complains of unlawful seizures by American privateers, Feb. 18, 1782.
Livingston's reply to, Feb. 20, 1782.
From *Livingston*, Feb. 20, 1782.
(See *Livingston* to *Luzerne*, same date.)
To *Washington.* As to campaign, Apr. 13, 1782.
From *Rochambeau*, Apr. 16, 1782.
(See *Rochambeau* to *Luzerne*, same date.)
To *Livingston.* As to debts due French officers, Apr. 17, 1782.
To *Washington.* As to Beniowski, Apr. 18, 1782.
From *Washington*, Apr. 28, 1782.
(See *Washington* to *Luzerne*, same date.)
Conference with, as to importance of maintenance of alliance. *Congress*, May 1, 1782.
From *Livingston*, May 8, 1782.
(See *Livingston* to *Luzerne*, same date.)
To *Livingston.* As to French claims, May 9, 1782.
From *Livingston*, May 9, 1782.
(See *Livingston* to *Luzerne*, same date.)
From *Livingston*, May 12, 1782.
(See *Livingston* to *Luzerne*, same date.)
To *Livingston.* As to Holtzendorff, May 25, 1782.
To *Livingston.* Insidious attempts by Britain at separate negotiations, May 28, 1782.
From *Washington*, June 5, 1782.
(See *Washington* to *Luzerne*, same date.)
From *Livingston*, June 7, 1782.
(See *Livingston* to *Luzerne*, same date.)
From *Livingston*, June 9, 1782.
(See *Livingston* to *Luzerne*, same date.)
To *Washington.* On birth of an heir to French crown, June 10, 1782.

LUZERNE—Continued.
To *Rochambeau.* As to future campaign, June 14, 1782.
From *Washington*, June 24, 1782.
(See *Washington* to *Luzerne*, same date.)
To *Washington.* As to movements of Rochambeau, July 3, July 8, 1782.
From *Livingston*, July 3, 1782.
(See *Livingston* to *Luzerne*, same date.)
To *Washington.* As to concert with French forces, Aug. 3, 1782.
To *Washington.* As to cartel for exchange and as to prospects of peace, Aug. 14, 1782.
To *Congress.* Recognizing offer of gun-boat *America*, Sept. 1, 5, 1782.
From *Livingston*, Sept. 5, 1782.
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From *Livingston*, Sept. 12, 1782.
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From *Vaudreuil*, Sept. 20, 1782.
(See *Vaudreuil* to *Luzerne*, same date.)
Confers with Congress as to dangers of separate peace, Sept. 24, 1782.
From *Washington*, Sept 24, 1782.
(See *Washington* to *Luzerne*, same date.)
To *Livingston.* As to fraudulent introduction of British goods, Sept. 27, 1782.
To *Washington.* As to sincerity of British Government, Sept. 29, 1782.
From *Morris*, Oct. 2, 1782.
(See *Morris* to *Luzerne*, same date.)
Informed of Congress' fidelity to the alliance with France, Oct. 3, 4, 1782.
From *Washington*, Oct. 25, 1782.
(See *Washington* to *Luzerne*, same date.)
To *Washington.* As to expenses of expressage, Oct. 25, 1782.
To *Congress.* Notifies Congress of the illicit provisioning of New York, Oct. 28, 1782.
To *Congress.* Suggestions as to legislation for protection to French holders of funds, Nov. 4, 1782.
To *Washington.* Supplies to New York shall be cut off, Nov. 6, 1782.
To *Carleton.* As to La Touche; as to Asgill, Nov. 9, Nov. 12, 1782.
From *Washington*, Nov. 13, 1782.
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From *Livingston*, Nov. 26, 1782.
(See *Livingston* to *Luzerne*, same date.)
From *Vergennes*, Dec. 19, 1782.
(See *Vergennes* to *Luzerne*, same date.)
With *Livingston.* Conversation as to foreign affairs, Dec. 30, 1782.
To *Congress.* Expresses satisfaction with the action of Congress against a separate peace; warlike exertions should not be relaxed, Dec. 31, 1782.
To *Congress.* As to capitulation of islands of St. Christopher, Nevis, and Mount Serrat, Jan. 10, 1783.
From *Morris*, Jan. 13, 1783.
(See *Morris* to *Luzerne*, same date.)
From *Jefferson*, Feb. 7, 1783.
(See *Jefferson* to *Luzerne*, same date.)
To *Washington.* Possibility that the war may continue for another year, and importance of preparation, Mar. 15, 1783.
From *Washington*, Mar. 19, 1783.
(See *Washington* to *Luzerne*, same date.)
To *Morris.* Announcing loan of six millions, but stating that, without a settled finance system, Congress can borrow no more, Mar. 15, 1783.

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To *Congress*, as reported by Livingston, as to friendly relations with Spain and as to preparation for contingency of war, Mar. 22, 1783.
From *Washington*, Mar. 29, 1783.
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To *Washington*. French troops recalled, Apr. 10, 1783.
To *Livingston*. As to withdrawal of French troops, Apr. 29, 1783.
From *Morris*, May 2, 6, 1783.
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From *Washington*, May 13, 1783.
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From *Congress*, May 17, 1783.
(See *Congress* (or *Mifflin*) to *Luzerne*, same date.)
To *Livingston*. As to Durham and Gillam, May 19, 1783.
His opinion of Franklin (see note to). *Franklin* to *Jay*, Sept. 10, 1783.
To *Congress*. As to contract 1, July 16, 1782, Sept. 17, 1783.
To *Congress*. As to recent and final loans by France to the United States, Sept 17, 1783.
From *Morris*, Oct. 15, 1783.
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To *Congress*. France ready to make commercial treaty, Nov. 2, 1783.
To *Washington*. Congratulations, Nov. 21, 1783.
To *Congress*. Notifying the appointment of Marbois as consul-general, Jan. 30, 1784.
To *Congress*. Asking for relief for Radier family, Feb. 18, 1784.
To *Congress*. Transmitting portraits of King and Queen of France, Apr. 6, 1784.
To *Congress*. Calls attention of Congress to indebtedness to France, Apr. 9, 1784.
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To *Congress*. Inclosing papers, Apr. 16, 1784.
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To *Congress*. As to claims of De Kalb and Fleury, Apr. 28, May 13, 1784.
To *Congress*. As to French consulate, May 6, 1784.
To *Congress*. Announcing M. Marbois as chargé, May 13, 1784.
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MADISON—
A constructive revolutionary statesman; supports Washington's military plans; sustains Morris' financial plans; sustains Franklin; agrees with Hamilton as to fulfilling engagements with France. Introduction, § 4.
His views as to the Mississippi. (See *Mississippi*.)
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MARBOIS—
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Appointed French chargé d'affaires. *Luzerne* to *Congress*, Sept. 16, 1780; July 1, 1781. (See Introduction, §§ 55, 158.)
To *Congress*. Asks for authority to impress French sailors, July 9, 1781.
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To *Vergennes*. Attitude of France as to American claims to the fisheries and Mississippi Valley, Mar. 13, 1782. (Question as to authenticity of this letter. Note thereto. See *Forgery*.)
Translation of the letter inclosed by Jay, he not having seen the original; not at liberty to say where he got the translation. *Jay* to *Livingston*, Sept. 18, 1782.
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"MARSHAL, BROGLIE." Suggested as commander-in-chief. *Deane* to *Committee*, Dec. 6, 1776. See Introduction, § 76.
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Declinature of France, unless United States were joined; documents connected therewith. *Luzerne* to *Congress*, May 26, 1781.

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(See *Luzerne* to *Vandreuil*, same date.)
VAUBAN. See Introduction, § 78.
VAUGHAN, B.—
Political position of. Introduction, §§ 158, 198.
From *Franklin*, June 15, 1780.
(See *Franklin* to *Vaughan*, same date.)
His marriage and his agency in relief of Laurens. *Franklin* to *Vaughan*, Nov. 22, 1781.
From *Franklin*, July 10, 1782.
(See *Franklin* to *Vaughan*, same date.)
From *Franklin*, July 11, 1782.
(See *Franklin* to *Vaughan*, same date.)
To *Franklin*. As to political prospects, Jan. 18, 1783.
From *Adams*, Mar. 12, 1783.
(See *Adams* to *Vaughan*, same date.)
From *Jay*, Mar. 28, 1783.
(See *Jay* to *Vaughan*, same date.)
VAUGHAN, J. (brother of B. Vaughan)—
Jay declines to administer oath of allegiance to. *Jay* to *Franklin*, May 31, 1781.
(See, however, *Franklin* to *Jay*, Aug. 30, 1781, and Introduction, § 198.)
Introduced to Bache. *Franklin* to *Bache*, Jan. 19, 1782.
VAUGUYON—
Memorial of, to States-General, Dec. 7, 1778.
From *J. Paul Jones*, Nov. 4, 1779.
(See *J. P. Jones* to *Vauguyon*, same date.)
From *Dumas*, Nov. 9, 1779.
(See *Dumas* to *Vauguyon*, same date.)
From *Dumas*, Nov. 11, 1779.
(See *Dumas* to *Vauguyon*, same date.)
From *Dumas*, Nov. 13, 1779.
(See *Dumas* to *Vauguyon*, same date.)
From *J. P. Jones*, Dec. 13, 1779.
(See *J. P. Jones* to *Vauguyon*, same date.)
Advises the demand for an answer to the proposition of alliance. *Adams* to *Franklin*, Feb. 20, 1781.
From *Adams*. Asked as to advisability of proposing alliance between Holland and America, Mar. 1, 1781.
(See *Adams* to *Vauguyon*, same date.)
From *Adams*, Mar. 8, 1781.
(See *Adams* to *Vauguyon*, same date.)
To *Adams*. Acknowledges receipt of the resolutions of Congress acceding to the principles of neutrality declared by Russia, but can not second them without instruction, Mar. 14, 1781.
From *Adams*, Apr. 16, 1781.
(See *Adams* to *Vauguyon*, same date.)
From *Adams*, May 1, 1781.
(See *Adams* to *Vauguyon*, same date.)
From *Adams*, Nov. 24, 1781.
(See *Adams* to *Vauguyon*, same date.)
From *Adams*, Nov. 25, 1781.
(See *Adams* to *Vauguyon*, same date.)
From *Adams*, Dec. 19, 1781.
(See *Adams* to *Vauguyon*, same date.)
To *Adams*. As to interview, Dec. 20, 1781.

VAUGUYON—Continued.
To *Adams*. As to latter's official visits, Dec. 30, 1781.
To *Adams*. Objections to Adams' course at The Hague, Mar. 4, 1782.
From *Adams*, Apr. 10, 1782.
(See *Adams* to *Vauguyon*, same date.)
VERAC (French minister in Russia)—
His correspondence with Dana. (See *Dana*.)
To *Dana*. Acknowledging courtesy, etc., Aug. 30, 1781.
From *Dana*, Aug. 30, 1781.
(See *Dana* to *Verac*, same date.)
From *Dana*, Sept. 1, 1781.
(See *Dana* to *Verac*, same date.)
To *Dana*. As to Russian policy and the improbability of his early reception, Sept. 2, 1781.
From *Dana*, Sept. 4, 1781.
(See *Dana* to *Verac*, same date.)
To *Dana*. As to Russian mediation, Sept. 12, 1781.
From *Dana*, Sept. 13, 1781.
(See *Dana* to *Verac*, same date.)
VERGENNES—
His policy in the cabinet of Louis XVI; personal characteristics and conduct. Introduction, §§ 37 *ff*.
His conduct towards America. *Ibid.*, §§ 50 *ff*.
Difficulties with Spain. *Ibid.*, §§ 53, 86.
Efforts to stretch the rights of neutrals in favor of America. *Ibid.*, § 100.
Unwilling to confide in A. Lee. *Ibid.*, § 152.
Strained relations of, with Adams. *Ibid.*, § 13. (*Infra*, under dates of June 30 and July 25, 1780.)
His parting tribute to Franklin. *Ibid.*, § 128.
Deane is instructed to find out from him if France will give the colonists arms. *Committee* to *Deane*, Mar. 3, 1776.
To *Beaumarchais*, Apr. 26, 1776.
Requests authority from Louis XVI to send the English Colonies money. *Vergennes* to *Louis XVI*, May 2, 1776.
Interview with, by Deane, upon condition of affairs in Europe and America and obtaining supplies. *Deane* to *Committee*, Aug. 18, 1776.
From *Deane*, Aug. 22, 1776.
(See *Deane* to *Vergennes*, same date.)
Says France will not go to war with England, but will supply arms to colonists. *Record of Committee*, Oct. 1, 1776.
From *Deane*, Dec. 8, 1776.
(See *Deane* to *Vergennes*, same date.)
From *Franklin*, Dec. 23, 1776.
(See *Franklin* to *Vergennes*, same date.)
First audience of commissioners with, Jan. 4, 1777.
From *Commissioners*, Jan. 5, 1777.
(See *Franklin*, *Deane*, and *Lee* to *Vergennes*, same date.)
To *Noailles*. Reference of letter in dispatch of commissioners to committee of Jan. 5, 1771.
From *Commissioners*, Feb. 1, 1777.
(See *Commissioners* to *Vergennes*, same date.)
To *Commissioners*. His protest against American breaches of neutrality, July 16, 1777.
From *Franklin* and *Deane*. In explanation, July 17, 1777.
(See *Franklin* and *Deane* to *Vergennes*, same date.)

VERGENNES—Continued.
From *Commissioners*, Aug. 12, 1777.
(See *Franklin, Deane*, and *Lee* to *Vergennes*, same date.)
To *Grand*. Vindicates position of France as to privateers, Aug. 21, 1777.
Advises acknowledgment of independence. *Commissioners* to *Committee*, Dec. 18, 1777.
From *Commissioners*. Asking for action as to treaty, loan, etc., Dec. 23, 1777.
(See *Commissioners* to *Vergennes*, same date.)
Invites commissioners to dinner when presented at court. *Gerard* to *Commissioners*, Mar. 17, 1778.
Testimonial to Deane. *Vergennes* to *Congress*, Mar. 25, 1778; *Vergennes* to *Deane* Mar. 26, 1778.
To *Gerard*. Giving his views as to the attitude of France as to American contested claims, Mar. 27, 1778.
To *Gerard*. General instructions as to policy, Mar. 29, 1778.
From *Franklin*. Explaining Hartley's missions, Apr. 24, 1778.
(See *Franklin* to *Vergennes*, same date.)
To *Franklin*. Replying that Franklin's course was satisfactory, Apr. 25, 1778.
(As to A. Lee's action in this matter, see *A. Lee* to *Vergennes*, Apr. 24, 1778, cautioning him against Hartley and Franklin, and Vergennes' curt reply of same date.)
From *Sartine*, Apr. 26, 1778.
(See *Sartine* to *Vergennes*, same date.)
To *Commissioners*. Complains of conduct of American privateers, May 15, 1778.
From *Commissioners*, May 16, 1778.
(See *Franklin, Lee*, and *Adams* to *Vergennes*, same date.)
From *Commissioners*, May 19, 1778.
(See *Franklin, Lee*, and *Adams* to *Vergennes*, same date.)
From *A. Lee*, June 15, 1778.
(See *A. Lee* to *Vergennes*, same date.)
From *Franklin*, July 6, 1778.
(See *Franklin* to *Vergennes*, same date.)
From *Commissioners*, July 17, 1778.
(See *Franklin et al.* to *Vergennes*, same date.)
From *Commissioners*, Aug. 28, 1778.
(See *Franklin et al.* to *Commissioners*, same date.)
Declaration of, as to annulling eleventh and twelfth articles of treaty, Sept. 1, 1778.
From *Izard*, Sept. 2, 1778.
(See *Izard* to *Vergennes*, same date.)
From *Commissioners*, Sept. 10, 1778.
(See *Franklin et al.* to *Vergennes*, same date.)
From *Necker*, Sept. 18, 1778.
(See *Necker* to *Vergennes*, same date.)
To *Commissioners*. As to duties on Americans, Sept. 24, 1778.
From *Commissioners*, Sept. 26, 1778.
(See *Franklin et al.* to *Vergennes*, same date.)
To *Commissioners*. As to Barbary Powers, Sept. 27, 1778.
From *A. Lee*, Sept. 28, 1778.
(See *A. Lee* to *Vergennes*, same date.)
From *Commissioners*, Oct. 1, 1778.
(See *Franklin et al.* to *Vergennes*, same date.)
From *A. Lee*, Oct. 12, 1778.
(See *A. Lee* to *Vergennes*, same date.)
To *A. Lee*. Approving of his suspending movements towards Madrid, Oct. 17, 1778.

VERGENNES—Continued.
To *A. Lee.* Acknowledging information, Oct. 24, 1778.
From *Commissioners*, Oct. 29, 1778.
(See *Franklin et al.* to *Vergennes*, same date.)
To *Commissioners.* As to Barbary Powers, Oct. 30, 1778.
To *Commissioners.* As to interchange of papers, Oct. 31, 1778.
From *Commissioners*, Nov. 12, 1778.
(See *Franklin* and *Adams* to *Vergennes*, same date.)
From *Commissioners.* Appealed to, for a French fleet, Jan. 1, 1779.
From *A. Lee*, Jan. 3, 1779.
(See *A. Lee* to *Vergennes*, same date.)
From *A. Lee.* As to interview with Berkenhout, Jan. 4, 1779.
To *A. Lee.* In reply, Jan. 4, 1779.
From *A. Lee*, Jan. 8, 1779.
(See *A. Lee* to *Vergennes*, same date.)
To *A. Lee.* As to Berkenhout, Jan. 10, 1779.
From *Franklin, Lee*, and *Adams*, Jan. 24, 1779.
(See *Franklin et al.* to *Vergennes*, same date.)
From *Commissioners*, Feb. 9, 1779.
(See *Franklin et al.* to *Vergennes*, same date.)
From *Adams*, Feb. 11, 1779.
(See *Adams* to *Vergennes*, same date.)
To *Adams.* Declining to take notice of dissensions of American commissioners, Feb. 13, 1779.
From *Franklin*, Feb. 14, 1779.
(See *Franklin* to *Vergennes*, same date.)
To *A. Lee.* As to Deane, Feb. 15, 1779.
From *Adams*, Feb. 16, 1779.
(See *Adams* to *Vergennes*, same date.)
Gives kindly letter of farewell to Adams, Feb. 21, 1779.
From *Franklin*, Feb. 25, 1779.
(See *Franklin* to *Vergennes*, same date.)
From *Adams*, Feb. 27, 1779.
(See *Adams* to *Vergennes*, same date.)
From *Franklin*, Mar. 9, 1779.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, Mar. 17, 1779.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, Apr. 28, 1779.
(See *Franklin* to *Vergennes*, same date.)
Distrust of A. Lee by, expressed in statements of Paca and Drayton to Congress of Apr. 30, 1779.
From *Franklin*, May 3, 1779.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, Sept. 26, 1779.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, Dec. 8, 1779.
(See *Franklin* to *Vergennes*, same date.)
From *Jay*, Jan. 27, 1780.
(See *Jay* to *Vergennes*, same date.)
From *Adams*, Feb. 12, 1780.
(See *Adams* to *Vergennes*, same date.)
To *Adams.* Advising the non-disclosure of his peace credentials, Feb. 15, 1780.
From *Adams*, Feb. 19, 1780.
(See *Adams* to *Vergennes*, same date.)

VERGENNES—Continued.
To *Adams.* Confides in the fidelity of the United States to treaties, Feb. 24, 1780.
From *Adams*, Feb. 25, 1780.
(See *Adams* to *Vergennes*, same date.)
From *Adams*, Mar. 21, 1780.
(See *Adams* to *Vergennes*, same date.)
To *Adams.* As to the publication of the latter's credentials, Mar. 30, 1780.
From *Adams*, Apr. 25, 1780.
(See *Adams* to *Vergennes*, same date.)
From *Adams*, May 9, 1780.
(See *Adams* to *Vergennes*, same date.)
To *Adams.* Asking for further information, May 10, 1780.
To *Franklin.* Introducing Arendt, May 11, 1780.
From *Franklin*, May 16, 1780.
(See *Franklin* to *Vergennes*, same date.)
From *Adams*, May 19, 1780.
(See *Adams* to *Vergennes*, same date.)
To *Adams.* Acknowledging letters, etc., May 24, 1780.
From *Franklin*, June 18, 1780.
(See *Franklin* to *Vergennes*, same date.)
From *Adams*, June 20, 1780.
(See *Adams* to *Vergennes*, same date.)
To *Adams.* Danger to the United States of depreciation of paper money, June 21, 1780.
From *Adams* (two letters), June 22, 1780.
(See *Adams* to *Vergennes*, same date.)
To *Franklin.* Complains of inadequacy of Adams' explanation of his course and asks Franklin to present the matter to Congress, June 30, 1780.
(See *Adams* to *Vergennes*, June 22, 1780; *Franklin* to *Congress*, June 26, 1780; *Vergennes* to *Adams*, June 30, 1780.)
From *Adams*, July 1, 1780.
(See *Vergennes* to *Adams*, same date.)
From *Franklin*, July 10, 1780.
(See *Franklin* to *Vergennes*, same date.)
From *Adams*, July 13, 1780.
(See *Adams* to *Vergennes*, same date.)
From *Adams*, July 17, 1780.
(See *Adams* to *Vergennes*, same date.)
To *Adams.* States the efforts made by France in the common cause, and the effect these efforts should have in allaying American discontent, July 20, 1780.
From *Adams*, July 21, 1780.
(See *Vergennes* to *Adams*, same date.)
To *Adams.* Protests against Adams announcing his peace commission to Britain, July 25, 1780.
From *Franklin*, July 25, 1780.
(See *Vergennes* to *Franklin*, same date.)
From *Adams*, July 26, 1780.
(See *Adams* to *Vergennes*, same date.)
From *Adams*, July 27, 1780.
(See *Adams* to *Vergennes*, same date.)
To *Adams.* After the animadversion on his prior letter, declines to have further conference with Adams, Franklin being the sole American minister accredited to Paris, July 29, 1780.

VERGENNES—Continued.
To *Franklin.* Advising him of the termination of his correspondence with Adams, July 31, 1780.
From *Franklin*, Aug. 15, 1780.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, Sept. 7, 1780.
(See *Franklin* to *Vergennes*, same date.)
From *Jay*, Sept. 22, 1780.
(See *Jay* to *Vergennes*, same date.)
From *Franklin*, Nov. 19, 1780.
(See *Franklin* to *Vergennes*, same date.)
To *Luzerne.* Telling him to warn Congress against listening to the representations of a man "whose character they ought to know;" commends Franklin's prudence and wisdom in the highest terms, and attributes to him the success America has had in France, Dec. 4, 1780.
From *Franklin*, Feb. 13, 1781.
(See *Franklin* to *Vergennes*, same date.)
To *Luzerne.* Impossible for France to meet the demands of Congress; bad influence of Izard and Lee; confidence of court in Franklin, Feb. 14, 1781.
His position as to Franco-American alliance. *Adams* to *Franklin*, Feb. 20, 1781; *Adams* to *Congress*, same date.
From *Franklin*, Mar. 6, 1781.
(See *Franklin* to *Vergennes*, same date.)
His views as to Adams withholding the announcement of his peace commission approved by Congress. *Huntington* to *Adams*, Jan. 10, 1781; *Lovell* to *Franklin*, Mar. 9, 1781.
From *Laurens*, Mar. 20 (?), 1781.
(See *Laurens* to *Vergennes*, same date.)
From *Dana*, Mar. 31, 1781.
(See *Dana* to *Vergennes*, same date.)
To *Dana.* As to interview, Apr. 1, 1781.
From *Dana*, Apr. 2, 1781.
(See *Dana* to *Vergennes*, same date.)
Advises Dana not to attempt to force himself upon the Russian court, Apr. 4, 1781. (Franklin concurs in this view. *Franklin* to *Dana*, Apr. 7, 1781; but Adams dissents. *Adams* to *Dana*, Apr. 16, 1781.)
From *Laurens*, Apr. 18, 1781.
(See *Laurens* to *Vergennes*, same date.)
To *Laurens.* Regrets inability to supply him with additional funds, May 16, 1781.
From *Franklin*, June 4, 1781.
(See *Franklin* to *Vergennes*, same date.)
To *Franklin.* Difficulties arising from Laurens' action in Holland; declines to pay for his purchases on credit, June 8, 1781.
From *Franklin*, June 10, 1781.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, June 11, 1781.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, June 27, 1781.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, July 6, 1781.
(See *Franklin* to *Vergennes*, same date.)
From *Adams*, July 7, 1781.
(See *Adams* to *Vergennes*, same date.)
From *Adams*, July 13, 1781.
(See *Adams* to *Vergennes*, same date.)

VERGENNES—Continued.
From *Adams*, July 16, 1781.
(See *Adams* to *Vergennes*, same date.)
To *Adams*. Advising him not to act on mediation proposition, July 18, 1781.
From *Franklin*, Nov. 20, 1781.
(See *Franklin* to *Vergennes*, same date.)
To *Adams*. Acknowledging note, Dec. 7, 1781.
From *Franklin*, Dec. 27, 1781.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, Jan. 18, 1782.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, Feb. 1, 1782.
(See *Franklin*, to *Vergennes*, same date.)
From *Franklin*, Feb. 2, 1782.
(See *Franklin* to *Vergennes*, same date.)
From *Blome*, Feb. 6, 1782.
(See *Blome* to *Vergennes*, same date.)
From *Franklin*, Feb. 15, 1782.
(See *Franklin* to *Vergennes*, same date.)
To *Franklin*. As to alleged American spoliations of Danish vessels, Feb. 24, 1782.
From *Franklin*, Mar. 3, 1782.
(See *Franklin* to *Vergennes*, same date.)
From *Marbois*, Mar. 13, 1782.
(See *Marbois* to *Vergennes*, same date.)
From *La Fayette*, Mar. 20, 1782.
(See *La Fayette* to *Vergennes*, same date.)
From *Montmorin*, Mar. 30, 1782.
(See *Montmorin* to *Vergennes*, same date.)
From *Franklin*, May 4, 1782.
(See *Fanklin* to *Vergennes*, same date, in *Franklin's journal*, July 1, 1782.)
To *Franklin*. On peace, May 5, 1782. (Given in *Franklin's journal*, under date of July 1, 1782).
Part in peace negotiations. (See *Franklin's journal*, from Mar. 21 to July 1, 1782; under date of July 1, 1782.)
From *Franklin*, July 18, 1782.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, July 24, 1782.
(See *Franklin* to *Vergennes*, same date.)
To *Franklin*. Criticising a communication of Shelburne as meant to sow dissension, July 28, 1782.
To *Washington*. As to Asgill's case, July 29, 1782.
To *Franklin*. As to Oswald's power, Aug. 8, 1782.
From *Franklin*, Aug. 8, 1782.
(See *Franklin* to *Vergennes*, same date.)
To *Franklin*, acknowledging letter, Aug. 23, 1782.
Position of, as to separate peace. *Luzerne* to *Congress*, Sept. 24, 1782.
To *Franklin*. As to progress of negotiations, Sept. 24, 1782.
As to peace negotiations of. See Introduction, § 53.
To *Franklin*. As to Barclay's commission, Oct. 3, 1782.
From *Franklin*, Oct. 14, 1782.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, Nov. 8, 1782.
(See *Franklin* to *Vergennes*, same date.)
From *Washington*, Nov. 21, 1782.
(See *Washington* to *Vergennes*, same date.)

VERGENNES—Continued.
From *La Fayette*, Nov. 22, 1782.
(See *La Fayette* to *Vergennes*, same date.)
From *Franklin*, Nov. 30, 1782.
(See *Franklin* to *Vergennes*, same date.)
To *Luzerne*. Discussing the peace; saying that he had in no way interfered, nor had he been informed of the progress of the negotiations; had been pained at the immediate announcement of the articles to the United States, they being only provisional; the French treaty not yet concluded, but is in rapid progress; Spain has got to be satisfied; the American commissioners, however, did not even ask as to this matter, Dec. 19, 1782.
To *Franklin*. Complaining of the separate action of the American commissioners, Dec. 15, 1782.
From *Franklin*, Dec. 15, 1782.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, Dec. 17, 1782.
(See *Franklin* to *Vergennes*, same date.)
To *Franklin*. As to progress of French negotiation, Dec. 25, 1782.
From *La Fayette*, Jan. 1, 1783.
(See *La Fayette* to *Vergennes*, same date.)
Fairness of position of, in peace negotiations. *Livingston* to *Jay*, Jan. 3, 1783.
To *Franklin*. Asking for an interview with American commissioners, Jan. 16, 1783.
From *Franklin*, Jan. 18, 1783.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, Jan. 25, 1783.
(See *Franklin* to *Vergennes*, same date.)
His course as to Holland explained. *Dumas* to *Adams*, Feb. 4, 1783.
Distrusted by Adams. *Adams* to *Dumas*, Feb. 5, 1783.
To *Luzerne*. As to loans to the United States; showing their difficulty, Mar. 10, 1783.
From *Franklin*, Mar. 16, 1783.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, Mar. 24, 1783.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, May 4, 1783.
(See *Franklin* to *Vergennes*, same date.)
To *Franklin*. As to treaty, May 5, 1783.
From *Franklin*, May 5, 1783.
(See *Franklin* to *Vergennes*, same date.)
To *Franklin*. Proposes new articles to treaty between France and the United States, May 20, 1783.
From *Franklin* and *Jay*, June 28, 1783.
(See *Franklin* and *Jay* to *Vergennes*, same date.)
From *Franklin* and *Jay*. Appealing earnestly for financial relief, June 28, 1783.
To *La Fayette*. That L'Orient is a free port, June 29, 1783.
From *Franklin*, July 4, 1783.
(See *Franklin* to *Vergennes*, same date.)
From *Franklin*, July 14, 1783.
(See *Franklin* to *Vergennes*, same date.)
Character and efforts of, commended by Franklin. *Franklin* to *Livingston*, July 22, 1783.
Position of, discussed. *Adams* to *Livingston*, Aug. 15, 1783.
From *Franklin*, Aug. 16, 1783.
(See *Franklin* to *Vergennes*, same date.)
Refused to sign definitive treaty with England until that with the United States is signed. *Franklin* to *Congress*, Sept. 13, 1783. (See Introduction §§ 53, 54.)

VERGENNES—Continued.
To *Franklin*. Asking that the treaty stipulation that no other nation shall have superior advantages to France be put in an official note, Aug. 27, 1784.
From *Franklin*. Giving such note, Sept. 3, 1784. (Accepted by Vergennes, Sept. 9, 1784.)
To *Franklin*. As to commercial treaties, Sept. 9, 1784.
To *Franklin*. As to accounts, Oct. 30, 1784.
VERNON, governor of Tower. To *Sir G. Cooper*. Saying that Laurens was well treated and contented, Nov. 27, 1780.
VESSELS. (See *Ships, Supplies.*)
Deane requests Beaumarchais to obtain. *Deane* to *Beaumarchais*, Aug. 19, 1776.
American, detained as pirates. *Deane* to *Committee*, Oct. 17, 1776.
And goods. Dutch. Orders of council as to seizure of. *Adams* to *Congress*, Jan. 1, 1781.
Taken after peace. Restitution of. *Livingston* to *Digby*, Apr. 12, 1783; *Livingston* to *Greene*, Apr. 12, 1783.
VIENNA. A commissioner to court of. *Committee* to *Commissioners*, Dec. 30, 1776. (See *W. Lee.*)
VIENNE. (See Introduction, § 78.)
VIOMENIL. (See Introduction § 78.)
VIRGINIA—
Attempts of, to purchase arms in Europe. *Franklin* to *Vergennes*, May 3, 31, 1779.
Difficulties attending separate application of, for foreign aid. *Morris* to *Governor*, Apr. 27, 1782.
Supplies to, to be charged to the United States. *Morris* to *Franklin*, Oct. 27, 1782. (See *State purchases.*)
VITORIA. A. Lee's arrival at. *A. Lee* to *Committee*, Feb. 26, 1777.
WALPOLE GRANT. Character of. Introduction, §§ 189, 202.
WALPOLE, HORACE—
Advocates American independence. Introduction, § 31.
Notices of Franklin. *Ibid.*, § 123.
WALPOLE, THOMAS—
His position as a peace intermediary. Introduction, § 202. (See *Shelburne* to *Oswald*, May 21, 1782.)
Interview with Franklin of June 15, 1782. *Franklin's journal*, under date of July 1, 1782.
WALSH, R. His views as to British barbarism. Introduction, § 22.
WALTERSDORFF. From *Rosencrone*, Feb. 22, 1783.
(See *Rosencrone* to *Waltersdorff*, same date.)
WAR—
Science of. Its relations to finance and diplomacy. Introduction, § 1 *ff.*
Revolutionary. (See *Revolution, Washington.*)
Washington's policy as to. Introduction, § 9 *ff.*
British barbarism in. *Ibid.*, § 22.
French officers engaged in. *Ibid.*, §§ 78, 82.
Prisoners taken in. (See *Prisoners.*)
Progress of. (See *Deane* to *Morris*, Sept. 7, Oct. 8, Nov. 9, 1776; *Committee* to *Deane*, Oct. 1, 1776; *Deane* to *Jay*, Dec. 3, 1776; *Committee* to *Commissioners*, Feb. 19, June 13, May 2, July 2, Aug. 7, 8, 1777; *Carmichael* to *Dumas*, June 13, 1777; Jan. 21, May 14, 15, 1778.)
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CHAPTER I.

MUNICIPAL RELATIONS.

Relation of financial and military to diplomatic polity.

§ 1. The history of the diplomacy of a country involves the history of its finances and of its wars. Diplomacy can not be carried on without money to back it, or without resting on war as its final process of enforcement; and when war comes, diplomacy does not cease. Then neutral sovereigns intervene on questions of neutral rights and of mediation; and then unofficial intermediaries flit through belligerent territory with functions not the less important because secret. In such times every tax laid, every battle fought, is a diplomatic argument. This was eminently the case with our Revolution. Our diplomacy was one in a large measure of financial economy, as without this we could not inspire France with confidence or Britain with dread. It was also one in a large measure of military economy, as without this wealth far greater than we could procure would not have won our independence. It was by the use of arguments drawn from finance and war that our diplomatists, as the following pages will show, sustained themselves in their discussions with neutral and allied powers, as well as with Britain. Franklin, for instance, was, as will be seen, not merely a diplomatic agent in Paris, but he was also, in the negotiation of our loans from France and the disbursement of the funds thus obtained, a secretary of the treasury; while, in concerting allied campaigns, he was to some extent secretary of war, and in directing our navy in European waters to some extent secretary of the navy. In each of these capacities his arguments and those of his associates were based on finance and war. The success of the siege of Boston, and the surrender at Saratoga, each brought about by domestic soldiers and funds, won the alliance of France in 1778; and it was by the privateers of the United States that British commerce was, in 1777 and 1778, so much harassed as to immensely increase, in British eyes, the expense and inconvenience of the war. Hence it was that, no matter how much Congress might arrogate to itself supreme power, executive authority gradually grew up as co-ordinate with legislative. The first form in which this executive authority asserted itself was in that of our legation at Paris, in which, in part through Franklin's genius, in part from the difficulty of communicating with Congress, the function of independent action was vested. Washington gradually, though more slowly, was able to emancipate himself in matters executive from congressional dictation. Then came Livingston's appointment to the

department of foreign affairs and that of Morris to that of finance. But during the Revolution these departments, from want of a supreme chief magistrate, worked together in counsel, as did, though less effectively, the congressional committees by whom they were preceded. Hence it is that the papers in these volumes come not merely from diplomatists as such, but from Washington, from Morris, from French and American naval boards, from English and European unofficial intermediaries, from foreign sovereigns. And hence it is that in these papers the questions discussed are in a large measure financial and military.

Two conflicting revolutionary schools—"liberative" and "constructive."

§ 2. The party conflicts between our revolutionary leaders may be explained by the antagonism between two schools—(1) the "liberative" or "expulsive," whose sole object was to get rid of British authority, and which, from abhorrence of the British executive, had come to regard all executive authority as a tyranny; and (2) the "constructive" or "remedial," whose members sought to set up a constitutional system of co-ordinate legislature, executive, and judiciary, in the place of the British government, which its members united with their associate statesmen in the determination to strike down.* The first school sought to work executive government through congressional committees; the second through heads of departments, giving, however, large powers to Washington as commander-in-chief, and to Franklin as the head of the legation at Paris, by whom so much of the political affairs of the Union were controlled. By the first school also it was believed that earnest, untutored force would, in every contest, crush the minions of the despot. By the other school it was believed that force without system must, sooner or later, succumb to system directing force; and it was therefore maintained that in each department there should be built up a system in which the experience of civilized nations in the past and their science in the present should be used to enable us to make the best of the forces under our control. The contest, principally in Congress, between the leaders of these conflicting schools continued, as the following pages will show, until the present federal constitution was framed.

Influence of want of administrative experience.

§ 3. Few political conditions can be more perilous than that of the long exile in opposition of a great political party. Extravagant and impracticable theories of politics are apt to be adopted by such parties; theories they could not maintain in power with credit to themselves or safety to the public. Such was the case with the tories in England during the reigns of George I and George II. Such was, in a large measure, the case with the whigs in England during the reigns of George III and George IV. Such also was the case with many of our great revolutionary statesmen. In New England, in particular, their part in colonial politics was limited to town and legis-

* See *infra*, § 209.

lative meetings, in which whatever measures they adopted were liable to be defeated by an executive whom they detested, but whom only a revolution could unseat. Such also had been the political experience of most of the liberal statesmen in the other States. They were leaders of permanent opposition; and the attitude of opposition they assumed was not merely to the executive of Great Britain, but to any executive system whatsoever. Chief among these leaders was Samuel Adams, during almost the whole Revolution a delegate from Massachusetts, and at all times exercising a powerful influence. Pure in morals, courageous, perfectly single in his aim, with great logical powers, with a simplicity of purpose and of character which drew to him the veneration of all who knew him, his love of liberty was as intense as his hatred of despotism and his dread of any agencies from which despotism might be evolved. He was the representative of puritanism in its highest and yet in its most impracticable type; of that type which subordinates in all respects public conscience to individual conscience; which produces great heroes of revolt, but which can not produce great organizers of administration. The work of Samuel Adams in arousing Massachusetts to revolution was of priceless value. In his old age, when his character mellowed, and when he accepted, as he did, the federal constitution as a wise compromise, construing that constitution in its logical sense, he again was of immense public service. But during the Revolution, through his dislike of executive authority in any shape, and through his opposition to the adoption of scientific principles either in war, in diplomacy, or in finance, he came more than once near wrecking the cause which he would gladly have given his life to sustain. John Adams, who was afterwards, when peace came, to take another line, followed during the war his great namesake, whose commanding genius few within its immediate spell, and with the same training, could resist.* Closely allied to Samuel Adams in principle and temper was Richard Henry Lee, of Virginia, an inexorable patriot and an orator of great elegance, who, with his family, comprising men of much political activity, formed the group spoken of in the following correspondence as the "Lees and Adamses." Other men of like convictions joined them, making a powerful congressional party, of whom we shall hear much hereafter. They were devoted to the revolutionary cause. They were irreconcilably hostile to Great Britain. Their zeal was of enormous value in arousing public enthusiasm. But they were destructive rather than constructive in their tendencies, looking scornfully at all traditional systems of war, of diplomacy, or finance; associating these with the tyranny under which they had suffered, and which, with all its works, they had vowed not only to overthrow but to crush. They were almost all of them civilians, and it is remarkable that no military man of eminence adopted their principles. But, though civilians, they not only had not the training which civilians gain in ad-

* See *Infra*, §§ 4*h*, 134.

ministrative life, but they despised and spurned the principles both in war, diplomacy, and finance which that training developes.

Constructive statesmen.

§ 4. On the other hand, there were eminent men, equally earnest in the revolutionary cause, to whom, both from the structure of their characters and from their business or administrative experience, the idea of a merely destructive revolution was, so far as it was comprehensible, thoroughly repugnant. There is in every community a large and influential class of men who, to adopt Hooker's distinction in his great argument against the Puritans, incline, in settling the question of duty in any particular case, to take into account not merely their own personal impulses, no matter how high may be the inspiration to which they may impute those impulses, but the traditions and the conditions and the tuitions of the society in which they live; and who, if in political life, concern themselves, when pulling down that which is to go, with plans for the erection of a suitable edifice to take its place. Their work, even when destroying, is constructive; destruction is to them construction. Then, aside from this difference of temper, there is the difference of experience. Men who have held administrative offices are likely to look on the forms experience has adopted for such offices more favorably than those whose lives have been spent in opposition. Such men would, in the nature of things, stand together in antagonism to a party whose aim is simply destructive, and which seeks to reach its end by mere popular force. Such men also would not merely have the work of rebuilding always before them when pulling down, but would study to avail themselves, for this purpose of reconstruction, of whatever instruments history, or experience, or science might suggest.

Washington.

§ 4*a*. First in this class of constructive revolutionary statesmen is to be named Washington, whose genius was essentially constructive and administrative, and who, as an officer in the French English war in 1755, had learned to regard public affairs in their national aspects, and to view war as an instrument of construction of which destruction is merely the preliminary incident. Hence, as hereafter will be more fully seen,* the object he had in view was essentially different from that of the leaders of the merely liberative school of revolutionary statesmen. Samuel Adams, for instance, the strongest and most heroic of these leaders, represented the prophets of destruction of the Old Testament, with whose spirit he was deeply imbued. Tyranny must be torn up root and branch. The tyrant and his myrmidons must be driven from the land with scorn. Until the evil should be extirpated, there should be no rest. On the work of its extirpation his powers were concentrated with a fiery energy, a singleness of purpose, an utter disregard and even mortification of self, which explain, when we take his great logical powers into consideration, the

* *Infra*, § 209.

devotion with which he was regarded by those who fell under his sway. But Washington, if he looked to an Old Testament prophet for guidance in the momentous work on which he was engaged, might have found an example in that leader of Israel who, in troublous times, when the enemy was lurking in every shadow, undertook the rebuilding of the Temple, his servants fighting as they built, spade and ax on the one side, spear and sword on the other. Samuel Adams' whole vision was concentrated on the hateful tyranny which he would crush. After the crash that would follow he saw nothing. What he looked forward to was tumult and demolition. Washington, as he himself tells, was wistfully gazing, in camp and even in battle, on that "goodly fabric," the temple of liberty and order, which he trusted was even in the war growing in symmetry and strength.* Samuel Adams fought to annihilate evil, and each blow was to him precious from the annihilation it produced. Washington fought that he might build, and each blow, he devoutly hoped, directly or indirectly, would add new security to the beloved temple rising before his eyes.† Between two such men there was necessarily an antagonism, to continue at least while the war lasted. They differed in their conception not merely of the object of war, but of its mode. Washington undoubtedly held war to be essential to enable the "goodly fabric" of liberty and order to be built. But, as we will see, this was to be a war not of guerrillas, or even of militia exclusively, but war by an army whose nucleus should be regulars, and whose operations should be conducted in such a way as, by the aid of time and natural advantages, to counterbalance the superiority of the opposing forces in discipline and in armament. They differed as to the attitude to be maintained to foreign nations. In the defiant judgment of Samuel Adams, America must fight the revolutionary battle by herself. Britain was not only hateful, but corrupt to the core, and would succumb if exposed to America's single assaults; France was to be distrusted, and no concessions to be given as the price of her aid. Washington, on the other hand, believing the French alliance necessary to inflict a decisive defeat on the enemy, gave that alliance his cordial and full support. Had Samuel Adams and those who acted with him had their way, France, as we learn from the correspondence in the French archives, would have been forced to give up the alliance as impracticable. To Franklin the chief credit of maintaining the friendly relations of the allies, so far as dealing with the French court was concerned, was due. But the diplomacy of the war, on this side of the Atlantic, was in Washington's hands, and it was conducted by him with a wisdom and a courteous loyalty to our allies, to which the French who dealt with him never ceased to pay tribute.‡

* *Infra*, § 210.

† See *infra*, § 209.

‡ The French officers of all ranks joined in the same opinion. Thus Dumas, in his Souvenirs (vol. i, p. 44), written after he had become himself distinguished in the

Franklin.

§ 4b. Next to Washington in this line of statesmen is to be considered Franklin, whose mind was eminently constructive, and who for years, as Postmaster-General and colonial agent in London, possessed the greatest experience in American administration of any man then living. To the discussion of Franklin's diplomatic career a future chapter will be assigned.*

Morris.

§ 4c. Of the same school also was Robert Morris, who, as we will see, was placed, when the advocates of a distinct executive system finally prevailed, at the head of the finance department, and who for years, as the leading merchant of the country, was singularly familiar with the laws of cosmopolitan trade.†

Livingston. Jay.

§ 4d. Of the characteristics of Livingston and Jay, who, though afterwards diverging, were during the Revolution to be ranked in the same school, a more particular consideration will also be hereafter given.‡

Jefferson.

§ 4e. Jefferson was in the Congress of 1776, and afterwards for a few months in that of 1783–'84. Hamilton took his seat in November, 1782, and resigned in August, 1783, before Jefferson entered on duty. Antagonistic as their positions subsequently became, these distinguished men may both be regarded as constructive statesmen during the Revolution, though here comes in the subdivision between liberal and imperialistic constructivism to be hereafter noticed. Both, in pulling down the old structure, had in mind the setting up a new structure in its place; and, so far as we can learn from the record of Hamilton's brief political experience during the Revolution, they at that time agreed as to what the general features of the new system should be. After Jefferson returned from Europe and became Secretary of State, and subsequently when President, he sought, while striving to build up a polity which should be in all matters necessarily governmental, firm, and vigorous, to leave to individual enterprise whatever such enterprise could best effect. To the commanding genius of Ham-

great European wars, speaks of Washington as the "hero of liberty," and says, after an interview, "his dignified address, the simplicity of his manners, and mild gravity surpassed our expectation and won every heart." Count William de Deux-Ponts, who was by no means disposed to put too high an estimate on American men and manners, thus speaks of Washington's attitude on receiving the news of De Grasse's arrival: "I have been equally surprised and touched at the true and pure joy of General Washington. Of a natural coldness and of a serious and noble approach, which in him is only true dignity, and which adorns so well the chief of a whole nation, his features, his physiognomy, his deportment—all were changed in an instant. He put aside his character as arbiter of North America, and contented himself for the moment with that of the citizen, happy at the good fortune of his country." (Deux-Ponts' Campaign in America, by Green, 126.) Equally strong is the admiration expressed by Chastellux. (Voyages, etc., 118.)

* See fully as to Franklin, *infra*, § 112 *ff*.

† *Infra*, § 183.

‡ *Infra*, §§ 155, 180.

ilton the province of government, as he viewed it after the Revolution, was to direct in all matters by which the body-politic could be affected; and, that this should be done with due dignity and constancy, government was to be made powerful and splendid, and removed as far as possible from temporary popular agitation. Hence it was that these two eminent men were afterwards in Washington's cabinet pitted against each other like "fighting cocks," and that from that time Hamilton looked on Jefferson as a philosophic leveler, to whom it would be unsafe to commit the management of public affairs. But this antagonism was not observable during the Revolution. Against Jefferson no charge could then or afterwards be more unwarranted than that he was a leveler. He was unquestionably as devoted a revolutionist as was Richard Henry Lee or Samuel Adams, but he had, in addition to this devotion, constructive administrative powers of singular delicacy as well as of large comprehensiveness. He had also a keen appreciation of the need of adaptation of government to era and people. His ideal was not the British political constitution as it then was, many of whose limitations, not as yet abrogated, were the products of feudal class restriction or of Tudor arbitrariness. He cherished, it is true, as essential safeguards of liberty, trial by jury and revision by *habeas corpus*, and the separation of executive and judicial functions from legislative. But, adopting these primary conditions, and reserving to the State, authority in all matters belonging to it, the political system which the Revolution, in his judgment, was to evolve, was to respond in its simplicity and in its elasticity to the particular wants and conscience of the United States as a nation. His work in this relation was complex, relating to State as well as to federal economy. In 1776 he drafted a constitution for Virginia, which was the first adaptation of revolutionary conditions to the organic law of that State, and which ever since has been the basis of Virginia legislation. In the same year he reported the civil code, which abolished primogeniture and entails, proposed a humane penal system, and provided for liberal public education and for generous naturalization. When in Congress, in 1783–'84, he threw his influence in favor of Franklin's course in the peace negotiations and of that of Morris in the management of the treasury, though dissenting from Morris, he recommended the system of coinage that now exists. Of the ordinances for the government of the Northwestern Territory, the draft in his handwriting, is now, almost in the shape in which it finally passed, in the Department of State, and it remains the basis of our territorial legislation. As chairman of the committee on foreign relations he drafted instructions for the formation of commercial treaties based on reciprocity, which he urged as the true principle of commerce.

His desire for the formation of a strong national government is shown by many incidents. He supported, against the Lees and against the Massachusetts delegation, the establishment of the Departments of Foreign Affairs, of War, and of Finance. He united with Madison against the

Lees in sustaining a measure in the Virginia legislature giving the power of impost taxation to Congress. His pride was in the national government, to which he desired to draw the strongest men. "I see," he said to Madison on February 20, 1784, "the best effects produced by sending our young statesmen here (to Congress). They see the affairs of the Confederacy from a high ground; *they learn the importance of the Union, and befriend federal measures when they return. Those who never come here see our affairs insulated, pursue a system of jealousy and self-interest, and distract the Union as much as they can.*" And on April 25, 1784, in another letter to Madison, he returned to the same topic. "It (Congress) is a good school for our young statesmen. *It gives them impressions friendly to the federal government instead of those adverse, which too often take place in persons confined to the politics of one State.*"* As to foreign affairs, his policy, according to Luzerne, was one of equipoise, holding that Congress "ought to, as far as it can, direct towards us (France) the affection of the people, in order to balance the inclination of the numerous causes which carry them continuously to England. *He has, notwithstanding these principles, shown himself to be the protector and the support of the refugees.*"† And he strenuously maintained the duty and necessity of a strict adhesion to the treaty of alliance.

Hamilton. § 4f. Hamilton's congressional career, as we have seen, was brief, but his course during this career exhibited administrative genius in its best sense; that genius which—avoiding on the one side the extreme of the mere revolutionist, hurling into action national enthusiasm without organization, and on the other side the extreme of the traditionist, relying on organization without an appeal to national enthusiasm—seeks to concentrate and utilize the resources of the country by applying to them the organization most fitted for their development. He saw that for this purpose a permanent and strong executive was necessary‡ as a department co-ordinate with the legislative; and while this was not at the time attainable, he did his best to strengthen the hands of the commander-in-chief and of the heads of the departments of finance and of foreign affairs. To Morris he was of immense service, supporting him both in the press and in Congress; aiding him by constant suggestions, which, while modestly made, bore the stamp of the consummate abilities of the young statesmen from whom they sprang. Availing himself of his experience at the head of the New York board of taxation, he urged with great power measures which would be most likely to bring out an adequate public revenue. We find the same wisdom and loyalty to duty in his course as to foreign affairs. He supported Livingston and Madison in bringing to an end the indecorous and sterile mission at St. Petersburg, where Dana, under a congressional

* 1 Bancroft's Hist. of Constitution, 345, 359.

† 1 Bancroft's Hist. of Constitution, 362.

‡ See Hamilton to Morris, Apr. 30, 1780, 1 Hamilton's Works, 223.

vote urged by John and Samuel Adams, had been remaining unreceived for two years, putting himself and his country in the false position of tame submission to repulses which increased in rudeness as his applications to be received increased in pertinacity.* Hamilton initiated, also, the right line on the subject of the armed neutrality, by an amendment offered by him instructing the commissioners, "in case they should comprise in the definitive treaty any stipulations amounting to a recognition of the rights of neutral nations, to avoid accompanying them by any engagements which shall oblige the contracting parties to support these stipulations by arms;" and he concurred in a report on the same question that, "as the primary object of the proposed accession to the neutral confederacy no longer can operate, and as *the true interests of these States require that they should be as little as possible entangled in the politics and controversies of European nations*," it was not expedient that Dana's powers should be continued.† But more particularly do we recognize this practical administrative genius in his views of our duty under our treaty stipulations to France. His recognition of our obligations to and our dependence on France had been, before the treaty arrived, peculiarly strong.

To Noailles, then in France, he wrote in 1782 (the day not being given):‡

"The activity of the next campaign must absolutely depend on effectual succor from France."

To La Fayette, on November 2, 1782, he wrote:

"These States are in no humor for continuing exertions. If the war lasts, it must be carried on by external succor."§

On March 17, 1783, the treaty being then before him, he wrote to Washington:‖

"*I am really apprehensive, if peace does not take place, that the negotiations will tend to sow distrust among the allies and weaken the force of the common league.* We have, I fear, men among us, and men in trust, who have a hankering after British connection. We have others whose confidence in France savors of credulity. The intrigues of the former and the incautiousness of the latter may be both, though in different degrees, injurious to the American interests, and make it difficult for prudent men to steer a proper course."

When the peace preliminaries of 1782 came before Congress, Hamilton, on March 18, 1783, according to Madison's report,¶ "admitted it as not improbable that it had been the policy of France to procrastinate the definite acknowledgment of our independence on the part of Great Britain, in order to keep us more knit to herself, and until her own interests could be negotiated. The arguments, however," he continued,

* See *infra*, § 19.

† The committee who made this report were Madison, Ellsworth, and Hamilton. It is to Madison that its style is probably due; and, if so, it is to him that the word "entangled" in this connection is to be imputed.

‡ 8 Lodge's Hamilton, 86.

§ *Id.*, 90.

‖ *Infra*, under above date; 8 Lodge's Hamilton, 105.

¶ 1 Madison's Papers, 394, *infra*, under date of Mar. 18, 1783.

"urged by our ministers (Jay and Adams) on this subject, although strong, were not conclusive, as it was not certain that this policy, and not a desire of excluding obstacles to peace, had produced the opposition of the French court to our demands. Caution and vigilance, he thought, were justified by the appearance, and that alone. But compare this policy with that of Great Britain; survey the past cruelty and present duplicity of her councils; behold her watching every occasion and trying every project for dissolving the honorable ties which bind the United States to their ally, and then say on which side our resentments and jealousies ought to lie. With respect to the instructions submitting our ministers to the advice of France, he had disapproved it uniformly since it had come to his knowledge, *but he had always judged it improper to repeal it. He disapproved highly of the conduct of our ministers in not showing the preliminary articles to our ally before they signed them, and still more so of their agreeing to the separate article.* This conduct gave an advantage to the enemy, which they would not fail to improve for the purpose of inspiring France with indignation and distrust of the United States. * * * He observed that our ministers were divided (Franklin against Jay and Adams) "as to the policy of the court of France, but that they were all agreed in the necessity of being on the watch against Great Britain. * * * He observed, particularly with respect to Mr. Jay, that although he was a man of profound sagacity and pure integrity, yet he was of a suspicious temper, and that this trait might explain the extraordinary jealousies which he professed. He finally proposed that the ministers should be commended *and the separate article be communicated*," thereby complying with the engagements previously made to France. It was in sympathy with these views and in extension of the policy of close alliance with France that, on May 2, 1783, he offered and carried a resolution which, after appealing in energetic language to the States to forward the collection of taxes in order to pay off the army, proceeded as follows:

Resolved, That, as an additional means of accomplishing the same end, a further application be immediately made to his most Christian majesty to induce him to add three millions of livres to the six millions already granted, in part of the loan of four millions of dollars requested by the resolution of the 14th day of September, 1782; and that his said majesty might be informed that Congress will consider his compliance in this instance *as a new and valuable proof of his friendship peculiarly interesting in the present conjuncture of the affairs of the United States*, and will apply a part of the requisitions now subsisting upon the several States to the repayment of the said three millions.

No statesman ever had a more delicate sense of honor than Hamilton, or was more intrepid in insisting on the performance of engagements which honor required to be performed. He knew that we were engaged to France not to take action as to peace without her concurrence; he viewed the aid she rendered us as the price she paid us for this stipulation; and, in joining in a new appeal to her for aid, he recognized the continuing effect of this engagement of mutual confidence

and support. To his chivalric temper, the idea of applying to France for further aid, we intending at the time to break our engagements to her, would have been intolerable. Hence he united with Washington, with Jefferson, with Morris, and with Madison in the position that the majority of our negotiators in Paris did wrong in concealing from Vergennes the result of their negotiations, and that to France entire frankness in negotiation was due.

Madison.

§ 4*g*. Madison was in Congress during the whole of Hamilton's term of service, and on almost every question that arose they stood together. Together they resisted that energetic and adroit opposition which reared itself against the military system of Washington, as well as against the diplomatic system of Franklin and of Livingston, and the financial system of Morris. It is true that afterwards Madison and Hamilton separated widely in their views. Hamilton's early training was in the West Indies, where the only authority to appeal to was executive, and where the action of such authority, to be effective, had to be quick and despotic. Madison was born in a community in which executive government was regarded with an antagonism which, in itself often just, long years of opposition had intensified, and had been educated in Princeton College, the headquarters of advanced whigism, whose political philosophy was that of Locke, and whose political heroes were Hampden, William Russell, and Somers. Madison's temper also was consultative; he was peculiarly fitted for the council chamber and the legislature. Hamilton's temper, on the other hand, was executive,* swift in deciding, imperious in the immediate enforcement of what he decided. It was in relation to the French revolution and to the aggressions of the French revolutionary authorities that their divergence became most marked. Madison would have waited till France had an opportunity of righting herself; and to his calm mind the violence of the revolutionists could be, at least to some extent, overlooked when the great cause of national emancipation they were struggling for was kept in mind. Hamilton, on the other hand, contrasted the frenzy and uproar of the Revolution with the splendor and order of the institutions it had overthrown, and he looked on it as a monster, whose insults to us we should promptly punish. In two great lines of national duty, however, these statesmen concurred; they held that the Mississippi Valley was to be secured for the United States, and the terms of the French alliance were to be honorably kept.

It is a serious question whether, in the great crisis of 1782–'83, when in the expectation of peace, the people, wearied with the exertions of war, seemed in danger of becoming indifferent to the maintenance of public credit and public engagements at home and abroad, the country would not have sustained injuries almost irreparable had it not been for the admirable sense, the quiet courage, and the unsullied integrity

* See *infra*, § 209 *ff*.

which Madison brought to the public service at a time when Congress had so far degenerated as to peculiarly subject it to those disorganizing influences which are elsewhere examined in detail.*

John Adams.

§ 4*h*. John Adams' political career is broken, in reference to the question immediately before us, into two very distinct sections. During his congressional term he was, as has been said, under the influence of his great namesake and kinsman, Samuel Adams, whose lofty patriotism, stern puritanic republicanism, and austere unselfishness, combined with untiring energy and singular clearness and force of expression, gave him immense influence over those who fell within his range in the pursuit of a common object. To Samuel Adams, and to those who sustained him, the one object was the overthrow of British sway—*delenda est Carthago*—and all other objects were put aside. The administrative edifice that existed when the Revolution came was to be torn down, and this by popular storm; but as to an edifice to take its place, there were no plans. In fact, for that which was proposed by this band of patriots no particular architectural skill would be required. Congress, in which they took a conspicuous part, and in which on some momentous occasions their influence was supreme, was then, from the necessity of the case, the sole governing power of the republic, and as such it could well remain, in their judgment, forever. If any executive action were required, this could be done by committees, of which they were often the leading members; and thus that congressional organization, which was the mere scaffolding under which a permanent and symmetrical structure was to rise, they treated as if it were a permanent structure complete in itself. A distinct executive department they looked on with anger and dread, as not merely involving their loss of power, but as a departure from primitive republican symplicity, and as a step towards that monarchical idea which they had warred against with such fiery zeal. Hence may be explained the vehemence and bitterness with which they resisted every attempt to abate the prerogatives of Congress by the establishment of executive boards, and the persistence with which they sought to subordinate to

* See *infra*, § 209 *ff*.

It can not be denied that, after 1779, Congress greatly deteriorated in tone. The theory of this is thus stated by Jay, in writing, on April 21, 1799, when President of Congress, to Washington (2 Sparks' Letters to Washington, 269): "Seasons of general heat, tumult, and fermentation favor the production and growth of some great virtues and of many great and little vices." It has always been so in revolutionary periods, and it was naturally so with Congress after the first ardor of the Revolution passed away. Its sessions were, in most important matters, in secret; the eminent men who first took part in it, and who were called to other spheres, were in some cases succeeded by political intriguers of a low tone or by speculators; and it was in a large sense autocratic, being removed, from the want of an independent press, from popular criticism. To this may be traced the charges of selfish intrigue and of corruption made against its members; charges no doubt greatly exaggerated, yet based at least to some extent on fact.

themselves, or to committees of their own choosing, the army, the treasury, and the diplomatic corps. To this policy also may be attributed their denunciation of those systems of permanent finance, of military preparation and action, and of diplomacy which in their several spheres Washington, Franklin, Livingston, and Morris had sought to carry out. It was with those holding these views that John Adams, as we will learn from the following correspondence, was during the Revolution mainly in sympathy. When, however, after the establishment of peace, he made his appearance at London as American envoy, he entered on a new era, with conceptions of politics varying greatly from those he had accepted during the Revolution.* It is, however, only with his revolutionary politics that these pages are concerned. In this section we have noticed those politics in their municipal relation. Hereafter his diplomatic course will be distinctively considered.†

Objection of "Fabianism" to constructives.

§ 5. It was natural that men of ardor and earnestness, devoted to the revolutionary cause, inexperienced in administration, not familiar practically either with military or financial or diplomatic science, confident in the potency of "militia" power, whether in war or finance or diplomacy, should chafe at the "Fabian" delay which the application of science and the study of environments would cause in each of these spheres. The antagonism

* This change in political views is dwelt on in a letter hereafter noticed (*Infra*, § 11), in which Hamilton, writing to Sedgwick, on October 9, 1788, inquired whether, as it was suggested that Adams "is unfriendly in his sentiments to General Washington," and as "the Lees and Adamses have been in the habit of uniting," it might happen, on Richard H. Lee going to the Senate and Adams being elected Vice-President, that there might spring up a "cabal very embarrassing to the executive, and of course to the administration of the government" (8 Lodge's Hamilton, 198). Sedgwick, on October 16, replied:

"Mr. Adams *was formerly infinitely more democratical than at present*, and possessing that jealousy which always accompanied such a character, he was averse to repose such unlimited confidence in the commander-in-chief as then was the disposition of Congress. * * * His writings show that he deserves the confidence of those who wish energy in government; for although these writings are too tedious and unpleasant in perusal, yet they are evidently the result of deep reflection, and, as they encounter popular prejudices, are an evidence of an erect and independent spirit." (1 Hamilton's Works, by his son, 482.)

To this Hamilton, on November 9, 1788, after saying in reply that he had concluded to support Adams, adds:

"I had but one scruple, but after mature consideration I have relinquished it. Mr. A., to a sound understanding, has always appeared to me to add an ardent love for the public good; and, as his further knowledge of the world seems to have corrected those jealousies which he is represented to have once been influenced by, I trust nothing of the kind suggested in my former letter will disturb the harmony of the administration." (8 Lodge's Hamilton, 202.)

As to Adams' diplomatic views, see *infra*, § 134.

† *Infra*, § 129 *ff.*

to Washington, to Franklin, to Morris, to Livingston thus generated will be hereafter specifically considered, since with it a large part of the following correspondence is concerned.

Objection, on the other side, that mere force is overcome by force and skill, and that the object of the Revolution was to build up.

§ 6. On the other hand, men of administrative ability, convinced that in war, in finance, and in diplomacy they should move in subordination to science as applied to existing conditions, naturally found themselves incapable of appreciating the position that force can be permanently successful when not moving in such subordination. You can not dash ahead in a straight line through a thronged city—so Dr. Johnson illustrated the position they took—without being arrested by a crowd of passengers or by a turn in the street; and dashing ahead in the same way in war or finance or diplomacy, without allowing for and guarding against obstacles, is equally reckless and perilous. The fortifications of a skillful enemy, availing himself of the arts of war—so it was argued—can not be demolished by the rush of an enthusiastic mob; nor can any army, capable of meeting such an enemy, be kept up without proper pay and permanent enlistments. Public credit can not be maintained by the unbounded issue of irredeemable paper money. The alliance of foreign neutrals can not be secured by a belligerent who neither knows how to fight, nor how to address such neutrals except in terms of rough demand for money. And even if success could be won under such an untutored system, no government could succeed in the place of that thrown down, except by the exercise of political science and administrative skill.

Corrupting influences of European politics.

§ 7. We can not duly estimate the character of our revolutionary leaders without taking into consideration the tone of the politics of the day. The enormous amounts of money paid at this period by the British ministry for secret diplomatic services has been frequently commented on by British historians. Vergennes speaks of innumerable spies employed in France by Lord Stormont, British minister at Paris, and the correspondence of George III with Lord North shows to how lavish an extent this bribery was applied to the purchase of American treason. In the first volume of the correspondence of the first Earl of Malmesbury we find in what way at this very period corrupt influences in diplomacy were not only lavishly applied, but unblushingly recorded, by those engaged in the British service. Thus this eminent diplomatist, when, as Sir James Harris, British minister at St. Petersbug, thus writes of his methods of reaching Russian statesmen:

"The present disposition and conduct of this court were so much beyond the reach of my penetration, and yet so highly necessary to be fathomed, that I was determined to apply, in consequence of the permission I had received from your lordship (Lord Stormont), to the only person whom Prince Potemkin admits to his entire confidence,

and without whom he can do nothing. I mentioned him in my last dispatches, and as I knew him, with every appearance of honesty, to be very venal, used little delicacy in addressing him. * * * Our bargain was soon struck by telling him I did not want *assistance*, but *information;* assuring him that, from what I already knew, I should easily perceive whether he meant to deceive me, and that if he dealt fairly and honestly by me he might be assured of future marks of liberality."

Harris then proceeds to specify the answers, unquestionably very frank and full, which he thus obtained.*

But a still more amazing engine of corruption was resorted to by this astute politician. The Empress Catharine was at the time absorbed by the ambition of being mediator in the struggle by which Europe, as well as America, were then convulsed. If this position had been conceded to her by the leading European belligerents (for America, being in her view without any recognized political existence, she did not even address), she would not have been, it is true, arbitrator, but she would have been able to exercise great influence on the course of the war. Her entire impartiality in the exercise of the proposed mediation, therefore, was assumed on both sides. Yet, while such was the case, Sir James Harris, under instructions from his government, offered to her the island of Minorca in case she would, when acting as mediator, make it a condition that France should withdraw all her troops from America. The empress had the matter under advisement, when, as a profound secret, she disclosed the offer to the emperor of Germany (Joseph), her intended co-mediator. Joseph naturally revolted at such a bargain, and the scheme exploded. But it signally illustrates the position that Britain was ready to resort to any expedient, no matter how unscrupulous, to subjugate the United States.†

Of the sums lavished in the corruption of American subordinates notice will be hereafter taken,‡ and the question as to Deane's case will be distinctively considered.‖ The only case of the actual purchase of an American officer is that of Arnold;¶ the apostacy of Charles Lee, base as it was, being a revival of his British allegiance, with no proof of venality. The corrupt advances of Johnstone to high American officials were promptly repelled.**

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* 1 Malmesbury Correspondence, 265; Bancroft MSS.; Sparks MSS., Harvard College.

† See, for details of this extraordinary procedure, documents given *infra*, under date of May 26, 1781.

‡ *Infra*, § 204 *ff.*

‖ *Infra*, § 165 *ff.*

¶ See index, title Arnold.

** See Johnstone to Morris, June 16, 1778, *infra*, with note.

In Rivington's Gazette, the tory organ in New York during British occupation, intercepted letters were from time to time published, showing the poverty of members of Congress; and these letters were made the excuse for British offers of pecuniary assistance to their writers. This fact became known and was the cause of personal patriotic contributions to the support of the parties whose necessitous condition, produced by the devastations of the war, had thus been unwittingly made public. Luzerne, who had a liberal supply of funds in his hands, on one or two occasions joined in giving this assistance. The propriety of his doing so, or of the

English historical parallelism.

§ 8. The course of our "administrative," or constructive, revolutionists recalls the course of the English reformers of the same type in 1639. At that time they included in their ranks Falkland and Hyde on the one side, as well as Pym, Hampden, and Cromwell on the other, these two wings of the party of reform comprising almost the entire house of commons.* By this great combination of reformers were passed the triennial bill, the prohibition of ship money and the impeachment of the judges by whom it was approved, the abolition of the star chamber and the court of high commission, and the recognition of Parliament as the supreme law-making power of the realm. Had reform rested at this point, a system would have been established in England at least as liberal as that which now exists. But the perfidy of the king made it difficult to deal with him as an executive, and then came the issue whether an executive could be dispensed with altogether, or whether the king, under the limitations then imposed, could be trusted with executive power. On this issue the reformers fell apart into three parties. Falkland and Hyde conceived that they had gone far enough, and that royal power as then limited could be safely deposited with Charles, forming a class of reactionists of whom Galloway in our own Revolution was the representative. Vane, Bradshaw, and Hutchinson represented the opposite extreme, their object being to sweep away the existing system as a whole, vesting all power for the time in the house of commons, not concerning themselves with the task of setting up a liberal government in the place of the despotism they would cast aside; taking, therefore, the same line as Samuel Adams and the school of which he was the head in our own Revolution. As "constructive" or "administrative" revolutionists at that period may be mentioned Hampden, Pym, Northumberland, Essex, and Fairfax; but, with the exception of Hampden and Pym, who died in the earlier stages of the contest, these patriotic men did not possess that ascendency which enabled Washington and Franklin, aided by Morris, by Livingston, and by Jay, to successfully resist the creation of a government merely parliamentary in the place of a government whose powers were to be distributed, under constitutional checks, between executive, legislature, and judiciary.

While, on the one hand, the revolution of 1640 failed because it was impelled by popular enthusiasm without administrative leaders, so the revolution of 1688 came near failing because, as far as England was con-

acceptance of his aid, may be doubted; though it must be recollected that Gouverneur Morris, when American minister at Paris, contributed largely to the pecuniary relief of La Fayette when a member of the French national assembly.

As to corrupt suggestions to American leaders and Franklin's reply, see Franklin to Weissenstein, July 1, 1778, which, according to Adams, not always a friendly judge of Franklin's style, gave them "a dose which will make them sick," and which certainly is one of the most effective papers Franklin ever produced. The question is discussed in Hale's Franklin in Paris, 241 *ff.*

* See, as to intermediaries, *infra*, § 197.

cerned, it was directed by administrative leaders without the support of popular enthusiasm.* Of that great political genius William III it is not necessary to speak, as he remained more or less an alien in the eyes of England even during his occupancy of the English throne. Many of the highest administrative gifts must be recognized in him if we view him simply as a European sovereign; but intimate knowledge of English politics he had not, nor had he the gift of winning the affection of the English people. The history of those who, on the English side, invited him over, and who were among the leaders in effecting what was called the revolution settlement, shows that they were not only without heroic attachment to the cause of liberty, but that they felt, and rightly felt, that there was no strong liberal popular party behind them which would hold them responsible for any derelictions from the liberal cause. It is easy to say, as is said by a recent historian, that the intrigues with the exiled monarch, "in which men like Marlborough, Russell, Godolphin, and Shrewsbury were engaged," may be imputed, in Marlborough's case, to "devouring ambition;" in Russell's case, to "disappointed whigism;" in Godolphin's case, to "distrust of the future." (Traill's

* The men who established a republic in England in the seventeenth century failed to prove the good they did was greater than the good they undid. The English constitution they upset was distinctly free, though certain reforms were needed to shear the crown of prerogatives which in bad hands were fatal to liberty. Part of the work had been done by the laws passed by the Long Parliament; there remained the second and possibly more difficult part of finding a king who would consent to allow his ministers to be responsible to Parliament. The foresight of Pym had provided for the emergency. There is little doubt that when he invited to London Charles Louis, the elector palatine and elder brother of Rupert, he thought he had found such a king, and contemplated a change of succession. But Pym was long dead and gone, and there had now risen a race of politicians who drew their statesmanship from biblical or classical models, and not from the study of English constitutional history. The scheme of the republicans happened unfortunately to be utterly incapable of fitting on to old institutions. They would not hear of a government consisting of two houses of parliament with a president bearing the name of king, though such a government might have been made practically republican. What they proposed to establish was government by a standing assembly, re-elected or recruited at stated intervals; and to this it was impossible that the nation should give a willing adherence. They might have accomplished more for their country had they laid to heart the weighty sentences of the great philosopher of their youth. "It is true," says Bacon, "that what is settled by custom, though it be not good, yet, at least, it is fit; and those things which have gone long together are, as it were, confederate within themselves, where as new things piece not so well; but, though they help by their utility, yet they trouble by their inconformity; besides they are, like strangers, more admired and less favored. It were good, therefore, that men in their innovations would follow the example of time itself, which, indeed, innovateth greatly, but quietly, and by degrees scarce to be perceived; for otherwise whatsoever is new is unlooked for; and ever it mends some and impairs others; and he that is holpen takes it for a fortune and thanks the time; and he that is hurt, for a wrong and imputeth it to the author. It is good also not to try experiments in states, except the necessity be urgent or the utility evident; and well to beware that it be the reformation that draweth on the change, and not the desire of change that pretendeth the reformation." (Cordery and Philpotts, King and Commonwealth, 305.)

William III, 95.) But we can not explain in this way the difference between the revolutionary leaders of 1683 and the revolutionary leaders of 1776. Among the latter double dealing was as rare as it was almost universal with the former. Treason, it is true, there was on both sides. Arnold, as corrupt as he was brave, was bought by a heavy bribe; but Arnold was no more a representative statesman than was Sir John Fenwick, who, under Stuart influence, was engaged in a conspiracy against William III. Charles Lee was more a spy than a traitor, as he never ceased to be an Englishman. Deane, imbittered by the neglect of Congress, and convinced, it may be, that the best policy of America, in the summer of 1782, was reconciliation with England, entered into British service so far as to urge such reconciliation; but there was on Deane's part no betrayal of official trust, such as there was by Marlborough, by Russell, by Godolphin; for Deane was an exile, so far as concerns the counsels of the United States, at the time he undertook to persuade the United States that it was better to become reconciled with England. We find no single instance of such negotiation with England on the part of our revolutionary leaders as existed between most of those who called William III to the throne and James II. So far from this, though there was in the minds of some of our revolutionary statesmen uncertainty as to the immediate result of the war, there was not from one of them, except Deane, the slightest yielding in their determination to agree to no peace without independence. I will retreat, if beaten here (so Washington is reported to have said, in 1778), to the mountains of Virginia; I will, if beaten there, retreat across the Alleghanies; but never will I lay down my arms till independence comes.

So Franklin, when in the same year it was intimated to him by an old friend that England and France might become reconciled by the sacrifice of America, in which case his safety would be endangered, said:

"I thank you for your kind caution, but having nearly finished a long life, I set but little value on what remains of it. Like a draper, when one chaffers with him for a remnant, I am ready to say, 'As it is only the fag end, I will not differ with you about it; take it for what you please.' Perhaps the best use such an old fellow can be put to is to make a martyr of him." *

In the one case it was the genius of America on the battle-field that thus spoke; in the other case, the genius of America speaking through a statesman who might be exposed, without the power of self-defense, to personal humiliation and injury before success was ultimately secured. By both classes—the statesmen of the camp and the statesmen of the closet—independence was a condition essential to peace.

The cause of this difference between the revolution of 1688 and the Revolution of 1776 is, that while in 1776 the movement sprang from the people, in 1688 the people, paralyzed by the Monmouth failure, with its consequent butcheries in gross, hung back until all chance of miscarriage

* See *infra*, § 113.

was over. The contrast in the attitude towards foreign aid is, in this view, peculiarly marked. The American Revolution was, so far as the conquest of the interior was concerned, decided by the evacuation of Boston and by the battles of Trenton and Saratoga before foreign aid arrived. In England William III had with him, down to the period when James II's fate was decided, scarcely any troops but Dutch. The Revolution, also, of 1776 was resisted by the crown with all the powers it could summon. The crown had with it the great body of the English people; its best generals were employed in the service and its best troops; and when these could not be had in sufficient abundance, the comparatively exhaustless funds of the treasury were used to bring mercenary soldiers to their aid.* By these armies sanguinary battles were fought; and even when it became evident that the country could not be subjugated by force, yet the crown persisted for more than three years in the attempt, lavishing blood and treasure, each fresh expenditure of which was an additional obstacle to reconciliation.

It is true that Hutchinson and other refugees were assiduous in whispering in the royal ear that the loyalty of the great body of the American people was unshaken. When, however, British armies traversed the country this loyalty was found to be without appreciable military or political weight. Scarcely a recruit could be drawn from the interior by the British generals when in occupation of Boston, New York, Philadelphia, and Charleston; and when Cornwallis selected what were called the loyalist regions of the Carolinas for his last campaign, he found, as he tells us, that those loyalists gave him no aid. On the other hand, no popular uprising greeted William III on his arrival, nor even on his occupation of London. This torpor of the English people at that great revolution, and the faint-heartedness and double-dealing of the English statesmen who took part in the revolution, may be explained by the political skepticism which the prior thirty years had generated. There were few mature politicians in 1688 who had not seen Charles II welcomed back with uproarious delight to the same city which had sent forth its best citizens to fill the armies by whom Charles I had been humbled; who had not seen high professions of liberalism disgraced in the fifth-monarchy men by fanatical uproar; in Cromwell's case, by absolutist usurpation; in Monk's case, by a base surrender to Stuart bribes. They had seen political principles treated as a ridiculous fiction by the court of Charles II, and they had seen

* In Lowell's Hessians in the Revolution (New York, 1884, 300), the total number of German soldiers sent by Great Britain to America during the Revolution was 29,867. Of these 17,313 returned, 1,200 died from wounds, 6,554 died from illness and accident, and 5,000 deserted. "For the services of these men England paid in levy-money and subsidies to the princes more than £1,770,000 sterling. This was in addition to the pay of the soldiers and to all expenses except those of recruiting and equipment." (*Id.*, 283.) On the other hand, the land force which William III carried with him to England in October, 1688, consisted of 4,000 horse and 10,000 foot soldiers; less than half the force sent over by George III ninety years afterwards to subjugate America.

James II put down with savage cruelty a popular uprising which, however unworthy may have been Monmouth, who led it, had its impulse in part in a well-founded sense of despotic oppression. It is not strange that those who had seen the success of Cromwell, the success of Charles II, the success of James II in the Monmouth rebellion, should, if in the ranks of people undistinguished by political rank, have waited the course of events before declaring themselves on William's side; or that political leaders, dishonorable as such a course was, should have tried to keep in favor with the Stuarts even when acting as William's advisers. But as explanatory of the contrast offered by the revolution of 1776, we must remember that the stream of English liberalism, which became bold in conception during the Reformation, and heroic in temper under Elizabeth, reached America before it had lost its freshness and force, as it did in England by its passage through an era successively marked by the extravagancies of the Rump Parliament, by the self-constituted absolutism of Cromwell, by the profligacy of Charles II, by the brutal despotism of James II. The leaders of the American Revolution represented what was best and truest in English statesmanship, as it awoke to liberty from the thraldom of that Tudor race which, while it inspired heroism among the people, yet left them to achieve for themselves that liberty which heroism sooner or later will win.

Conflict of opinion as to military policy, and particularly that of Washington.

§ 9. Rome, so it was argued, enslaved the world by discipline; the Gauls liberated it from Rome's oppression by impetuous zeal. It was untutored impetuosity that enabled a few farmers to drive back British regulars at Lexington, and half-armed militia to hurl back the British onset at Bunker Hill. The reply was that Rome succumbed to her own enervation, and that if the untutored farmers who drove back the invaders at Lexington and the half-armed militia who defended Bunker Hill had been properly armed, and if the impetuosity they undoubtedly showed had been put under discipline, diffused and made permanent by proper enlistments and supplied with adequate arms, the British army at Boston would in a few weeks have been forced to capitulate and the war brought to an early close. But this reply was listened to by the very able and devoted men to whom it was addressed but coldly; and even until the war closed they maintained the superiority of what they called the "militia" system, as distinguished from the "regular." And after the war was over Richard H. Lee, who, with Samuel Adams, had led the advocates of a purely "militia" policy, argued, with an earnestness so solemn as to be beyond question, that, even to defend our frontiers against an invader or against Indians, "a standing army" would be a "horrid evil," in which no good citizen should acquiesce.*

* R. H. Lee to Monroe; 1 Bancroft's Hist. of Constitution, 337.

On the other hand, Washington, who, to a judgment singularly clear, fair, comprehensive, and dispassionate, united a knowledge of military duty in America superior to that of any one in the service, took, as to the campaigns he was to conduct, the following positions:

(*a*) A war such as that in which the United States had entered could not be sustained by an army made up of militia or of temporary volunteers. The enlistments must be for the war.

(*b*) A legislative body, from its difficulty in preserving secrecy, from the multiplicity of its business, from its fluctuating membership, from its necessary unacquaintance with the rules of war, is not competent to plan campaigns or to make military appointments. These functions should be vested in the chief magistrate of the commonwealth, or, if there be no chief magistrate, in the commander-in-chief.

(*c*) Military service is a profession and business, for which there should be due training and due support. Hence, in addition to the conditions of good training, officers and soldiers should be well paid, well clothed, and should have the security given them of pensions when the war closes.

(*d*) War is not determined by collision of men on a battle-field. One thousand men behind breastworks may be more than a match for five thousand men attacking such breastworks. Then, even on an open plain, skill in distributing and applying forces and confidence in the commander may counterbalance a vast preponderance of numbers on the other side.

The first three of these conditions Washington declared to be essential to the success of the Revolution, and he was entitled to speak on the subject, not merely because he was commander-in-chief, elected unanimously as such, not merely because of his superior wisdom and experience, but because of his disinterestedness and unselfish patriotism. It was known that he refused any compensation for his services; no one entered into his presence without feeling that the vulgar ambition of power as such never found entrance in his pure and majestic nature. Nor did he seek to exercise any authority which Congress did not bestow on him; nor did the contingency of an assumption on his part of supreme power seem to him as even within the range of contemplation. What he asked was that Congress should provide for the enlistment of an army for the war; that, while re-affirming its supremacy, Congress should vest the nominations of at least general officers in himself; that not merely military training and due pay should be provided for, but that a pension system should be established and that he should be sustained in taking such precautions in the way of entrenchment and strategy as would enable him to make up for the enemy's superiority in military discipline and machinery.*

* Washington's masterly campaign of the fall of 1776 and the winter of 1776–'77 is vividly narrated by Mr. Fisk in the Atlantic Monthly for January, 1889, and the cloud that hung over the country after the capture of Fort Washington, the defeat of Sullivan and Greene, and the capture of Charles Lee truly painted. But "in the midst of the general despondency there were a few brave hearts that had not yet begun to despair, and the bravest of these was Washington's. At this awful moment the whole future of America and of all that America signifies to the world rested on that

This policy part of a general system.

§ 10. The policy of Washington in advising the centralization of executive power in an executive, and the application to war of the rules of science as modified by our national conditions, is here noticed, because it was the same policy which was urged by statesmen of the "constructive" school in reference to finance and diplomacy. Hence it was, as we will next see, that this policy was opposed in Congress on very much the same grounds in reference to war as it was in reference to finance and diplomacy.

Congressional opposition to Washington.

§ 11. In Congress the opposition to this policy was manifested at an early period, and was often so strong as to put grave obstacles in the way of the maintenance of the war. At the very outset was encountered the position that Congress must retain in its hand supreme authority in every sphere. This position was defended with persistent energy by Samuel Adams and by Lovell,* sustained by most of the New England delegates, and by Richard H. Lee with his immediate friends.†

As the sessions of Congress were secret, we have to judge of the proceedings of its members in this relation by information outside of its records. This information, as far as attainable, will be now noticed; and the inquiry is entered into on account not only of its intrinsic interest, but of the light it throws on the attacks made by the same parties on the same grounds on the diplomatic policy of Franklin.

It was at York, Pennsylvania, in the winter of 1777–'78, when Howe was at Philadelphia and Washington at Valley Forge, that the antag-

single Titanic will. Cruel defeat, and yet more cruel treachery, enough to have crushed the strongest, could not crush Washington. All the lion in him was aroused, and his powerful nature was aglow with passionate resolve. His keen eye already saw the elements of weakness in Howe's too careless disposition of his forces on the east bank of the Delaware, and he had already planned for his antagonist such a Christmas greeting as he little expected. * * * Thus in a brief campaign of three weeks Washington had rallied the fragments of a defeated and broken army, fought two successful battles, taken nearly two thousand prisoners, and recovered the State of New Jersey. * * * Lord Cornwallis was no mean antagonist, and no one was a better judge of what a commander might be expected to do with a given stock of resources. His surprise at the Assunpink was so great that he never got over it. After the surrender at Yorktown his lordship expressed to Washington his generous admiration for the wonderful skill which had suddenly hurled an army four hundred miles, from the Hudson River to the James, with such precision and deadly effect. 'But after all,' he added, 'your excellency's achievements in New Jersey were such that nothing could surpass them.'"

* Lovell's antagonism to Washington, as well as to Franklin, was the subject of notice by both Gerard and Luzerne. Even after the defeat at Camden, Lovell continued to press Gates' promotion to chief command. (See also intercepted letters of Lovell in Rivington's Gazette for December, 1780, and January, 1781; noticed in 1 Life of Gerry, 340, 343.) In 1781 S. Adams urged the election of Gates as Secretary of War. (Greene's Life of Greene, 7, 33; 1 Reed's Life of Reed, 433.)

† See, as to the nature of this combination, *infra*, § 156. For a statement as to R H. Lee's antagonism to Washington, see Massachusetts Centinel of January 5, 1788.

onism to Washington culminated. Of this crisis La Fayette, in his Mémoires, published in 1837, thus speaks:

"Gates était à Yorktown, où il en imposait, par son ton, ses promesses et ses connaissances européennes. Parmi les députés qui s'unirent à lui, on distingua les Lees, virginiens, ennemis de Washington, et les deux Adams." (1 Mémoires de La Fayette, 38; 1 Randall's Jefferson, 148.)

This passage, and the context, are thus translated by Sparks from the original manuscript as inspected by him when on a visit at La Grange, and is preserved in manuscript in volume 32 of the Sparks Papers at Harvard Library:

"Gates was at Yorktown. Among the deputies who united themselves to him were the Lees, of Virginia, enemies of Washington, and the two Adamses, rigid republicans, *but better qualified to overthrow than build up.* Mifflin, quartermaster-general, added to this party his talents and brilliant eloquence. It was necessary for them to have a spoiled child (*un enfant perdu*), and they took Conway, who believed himself the head of the party. * * * The people are attached to fortunate generals, and the commander-in-chief had not been such. His person inspired respect and even love, but his best friends—Greene, Hamilton, Knox—were defamed, and the tories fomented the discontent. The presidency of the department of war, created for Gates, restrained the powers of the general. This was not all. A committee of Congress came to the camp (at Valley Forge), and it was even proposed to attack Philadelphia. It is remarkable that in reality Gates was not the object of the intrigue. Although a good officer, he had not the means to sustain himself, and he would have had to give place to the famous General Lee, then a prisoner to the English."

On December 30, 1777, La Fayette wrote to Washington as follows:

"There are open dissensions in Congress; parties who hate one another as much as the common enemy; *men who, without knowing anything about war,* undertake to judge you and to make ridiculous comparisons. They are infatuated with Gates, *without thinking of the difference of circumstances, and believing that attacking is the only thing necessary to conquer.*"*

Irving, in his Life of Washington (vol. 3, p. 346), gives the following statement from William, son of John Jay:

"Shortly before the death of John Adams I was sitting alone with my father, conversing about the American Revolution. Suddenly he remarked, 'Ah, William, the history of that Revolution will never be known. Nobody now alive knows it but John Adams and myself.' Surprised at such a declaration, I asked him to what he referred. He briefly replied, 'The proceedings of the old Congress.' Again I inquired, 'What proceedings?' He answered, 'Those against Washington. From first to last there was a most bitter party against him.' As the old Congress always sat with closed doors, the public knew no more of what passed within than what it was deemed expedient to disclose."†

Jefferson was living at the time when these remarks were made, and was therefore, by their terms, excluded from the combination against

* 1 Washington's Writings, 488.

† The manuscript narrative by Robert Troup of the circumstances attending the disclosure of the Gates-Conway correspondence in 1777 is given in the Sparks Collection in Harvard College, volume 49, part 1, p. 20.

In 5 Washington's Writings, by Sparks, 483, are given several of the papers relative to the "Conway cabal." For Gerard's views, see *infra,* § 83.

Washington of which they speak. Irving, in commenting on this period, says:

"Wanting as the intrigues of the cabal might be in plan or fixed design, they were fraught with mischief to the public service, inspiring doubts of its commanders, and seeking to provoke them to desperate enterprises. They harassed Washington in the latter part of his campaign, contributed to the dark cloud that hung over his gloomy encampment at Valley Forge, and might have effected his downfall had he been more irascible in his temper, more at the mercy of impulse, and less firmly fixed in the affections of the people. As it was, they only tended to show wherein lay his surest strength. Jealous rivals he might have in the army, bitter enemies in Congress, but the soldiers loved him, and the large heart of the nation always beat true to him."

The distinctive grouping of the Adamses and Lees existed, according to Charles F. Adams, as early as the fall of 1775. In his life of John Adams (1 John Adams Works, 183) he says:

"The Adamses of Massachusetts and the Lees of Virginia were the dangerous minority who had all along aimed at independency, but whose purposes had never been so openly exposed as now. Mr. Dickinson, Mr. Silas Deane, and Mr. Jay were the exponents of the majority, and during the month of September the committees, if nothing else, show with tolerable clearness the temper prevailing in the body."

In John Adams' Autobiography (*ibid*, iii, 32) it is said:

"Mr. Samuel Adams and myself were very intimate with Mr. (R. H.) Lee, and he agreed perfectly with us in the great system of our policy, and by his means we kept a majority of the delegates of Virginia with us; but Harrison, Pendleton, and some others showed their jealousy of this intimacy plainly enough at times. Harrison consequently courted Mr. Hancock and some others of our colleagues, but we had now a majority, and gave ourselves no trouble about their little intrigues." *

Mr. Bancroft sums up the case as follows:

"In Congress, which had already much degenerated and had become distracted by selfish schemers, there were signs of impatience at his superiority, and an absolute reluctance to own that the depressed condition of the country was due to their having refused to heed his advice. To a proposition for giving him power to name generals John Adams objected vehemently, saying, 'In private life I am willing to respect and look up to him; in this house I feel myself to be the superior of General Washington.' Samuel Adams once wrote: 'I have always been so very wrong-headed as not to be overwell pleased with what is called the Fabian war in America.' The temper of the body is best shown by their resolves of the 24th of February, when they voted to Washington mere 'ideal re-inforcements,' and then, after an earnest debate, in which some of the New England delegates and one from New Jersey showed a willingness to insult him, they expressed their 'earnest desire' that he would 'not only curb and confine the enemy within their present quarters, but, by the divine blessing, totally subdue them before they could be re-inforced.' Well might Wash-

* Jobez (France under Louis XVI, t. ii, liv. ii,) discusses "les intrigues des amis de Gates, les Adams, et les Lee." So also Doniol, iii, 263 *ff*. (See further, as to the parties to this combination, *infra*, § 156.)

"Among the slights designedly put on Washington at this time was Gates' intentional omission to notify him of Burgoyne's capitulation, simply referring to it incidentally in a letter written two weeks after the event. Washington was fully conscious of this and other marks of disrespect by Gates, Charles Lee, and their congressional friends. 'He felt—he could but feel—them.' But 'he evinced his usual magnanimity.' 'He allowed no word of unworthy complaint to fall from him.'" (6 Mahon's History of England, 193; English edition 1851, vi, 293.)

ington reply, 'What hope can there be of my effecting so desirable a work at this time? The whole of our numbers in New Jersey fit for duty is under three thousand.' The absurd paragraph was carried by a bare majority, in which Richard Henry Lee brought up Virginia to the side of the four Eastern States against the two Carolinas, New Jersey, and Pennsylvania." (9 Bancroft's History United States, 255.)

The statements of La Fayette and of Jay, as given above, are sustained by traditions which, though probably not accurate in detail, yet rest no doubt on a basis of truth. By a resolution of Congress of October 14, 1777, two members were necessary to entitle a State to a vote. In the Congress at York, in the earlier days of January, 1778, when the atmosphere was peculiarly dark, of the five New York members only two were present. One of these was Francis Lewis, who will appear in the following pages as an active member of the naval board and as a correspondent of Franklin. The other was William Duer. The tradition is that the members unfriendly to Washington's policy, and desirous of taking action which would have compelled his resignation, would have had a majority if New York, which was friendly to Washington, was excluded. It so happened, so it is said, that on the eve of a critical vote Duer was so ill that it was a serious question whether he could be moved to the court-house, where Congress sat. Against his physician's advice he determined to attend the session; and he was in a litter for this purpose when Gouverneur Morris, a third New York member, opportunely arrived. This enabled the vote of New York to be counted against the proposed measure hostile to Washington, and it was consequently withdrawn. Such is the outline of a narrative given in substantially the same terms in the Life of Francis Lewis, by his granddaughter, and in Dunlap's History of New York.* By Dunlap, General Morgan Lewis (then Colonel Lewis and one of the staff of General Gates, who arrived at York with Gouverneur Morris) is given as authority for the narrative; the report in the Life of Lewis rests on family tradition.

The date of the arrival of Gouverneur Morris is fixed in the following extract from an instructive letter on this topic from Mr. Stone, librarian of the Historical Society of Pennsylvania:

"Gouverneur Morris took his seat in Congress on January 20, 1778. Duer was present in Congress on the 15th and again on the 31st, the only days between those dates on which votes are recorded in the printed journals. He may have been sick or not. The evidence is not satisfactory. The manuscript diary of the Moravian church at Bethlehem contains the following: 'January 4. Lewis Morris, a delegate from New York, passed thro'.' Now, as Lewis Morris retired from Congress in 1777, this undoubtedly was his brother, Gouverneur, on his way to York. The same authority, under date of the 9th, records: 'Gen. Gates and family arrived this evening from Albany, on their way to York Town. (They left on the 9.)' Under date of January 10, 1778, Christopher Marshall, who was at Lancaster, recorded in his diary: 'Came Capt. Markoe, who said that John Benezet was just come to town, who left General Gates yesterday at Nazareth.' On the 14th he writes: 'News that General Gates went to Congress yesterday.' You see here is good evidence that Gates and his family, of

* 1 Life of F. Lewis, 45; 2 Dunlap's History of New York, 133.

which Colonel Morris was a member, and Gouverneur Morris were all on their way towards York a few days before the latter took his seat in Congress. Allowing for the detention at the ferry, on account of the ice in the river, they must have arrived at York about the 20th."

Such being the dates, the question then arises as to what action hostile to Washington was contemplated at that period. Of the particular offensive motion there would be no record, as it was withdrawn, and it was not customary to preserve in the archives withdrawn motions. Of the debates also or of any action of Congress at that time except in respect to reports, to instructions, or to votes, there is no record; and so strictly was secrecy maintained, that even in the letters of members to their friends it is frequently in those days stated that they were prohibited by the injunction from detailing what took place. But there is enough, aside from the statements of La Fayette and Jay, to show that there was then in Congress a large party, sometimes making up a majority, opposed to the policy of Washington, and disposed to overrule if not to depose him.

On November 7, 1777, Congress, sitting at York, Pennsylvania, elected a continental board of war, consisting of Mifflin, Robert H. Harrison, and Pickering. Harrison declined the appointment. On November 24, 1777, it was resolved to appoint two additional commissioners, upon which General Gates, Colonel Joseph Trumbull, and Richard (afterwards Judge) Peters were elected to fill the posts thus vacant. On January 10, 1778, it was resolved that three members of Congress, together with three members of the board of war, "be appointed a committee to repair to General Washington's headquarters, as soon as may be, and, in concert with him, to form and execute a plan for reducing the number of battalions, etc.; * * * to recommend to Congress the necessary appointments of general officers; to remove officers in the civil departments of the army for misconduct, negligence, or incompetency, and to appoint others in their room until the pleasure of Congress can be known; to remove all just causes of complaint relative to rank, confining it as nearly as possible to the military line; * * * and in general to adopt such other measures as they shall judge necessary for introducing economy and promoting discipline and good morals in the army; the members of Congress chosen: Mr. Dana, Mr. Read, and Mr. Folsom." On January 12 Congress elected as members of the board of war, to join the committee above stated, General Gates, General Mifflin, and Colonel Pickering. Mr. Harvie was elected on the same day an additional member of the committee. Of the attachment of Harvie, who was one of the Virginia delegates to Washington, there can be no question. The same may be said of George Read, of Delaware. As to the other members of the committee the following observations may be made:

Mifflin, though holding friendly personal relations with Washington, and though afterwards, when governor of Pennsylvania, at the time of the

whisky insurrection, resolute in the support he gave Washington, was in 1777 unquestionably opposed to vesting in Washington those powers necessary to the performance of his duties as commander-in-chief.

Of Dana we shall have something to say hereafter.* His action in Congress in 1777 and his correspondence with Samuel and John Adams at that period show how attached he was to their distinctive views and how he shared the horror they then felt of executive authority, no matter what might be the shape it assumed. A strong believer also in the power of untutored impetuosity in war as well as diplomacy, he was, like Samuel Adams, peculiarly restive of the "Fabianism" of Washington. To Folsom, a New Hampshire member, the same general position may be assigned, if we can judge from his votes on the questions arising at this period. The New England members, it should be added, felt at this time, not unnaturally, aggrieved at certain expressions used by Washington in a letter of August 26, 1775, to Richard H. Lee, strongly censuring the conduct of the troops and officers of New England at that period; and though these and similar utterances sprang from temporary disorders of which Washington had just cause to complain, and though they were afterwards followed by hearty words of confidence, yet falling as they did, at least in substance, into the hands of Samuel Adams and his friends, they produced an alienation which it took many months and many political changes to recover from. Written, as was the letter of August 26, 1775, to Richard H. Lee, it might as well, so far as its effect was concerned, have been written to Samuel Adams, so close was their intimacy.

Joseph Trumbull, a son of Governor Jonathan Trumbull the elder, was the first commissary-general of the United States army. This post he resigned August 21, 1777. In October, 1777, he was appointed one of the five commissioners of the board of war. He died in July, 1799. He was brother to Jonathan Trumbull (the 2d), who was paymaster in the northern department of the army until 1780, when he became secretary to Washington. After the adoption of the federal constitution he was successively a member of the federal House of Representatives and Senate, and was for several years governor of Connecticut. In 1777 he was strongly attached to Gates and dissatisfied with Washington; and the family correspondence, now in possesssion of the Massachusetts Historical Society, leads to the conclusion that his opinion in this respect was shared by his brother Joseph, the member of the board of war. It is proper to add that with Jonathan (the 2d) this prejudice against Washington afterwards gave way to affection and veneration.

Peters and Pickering remained active members of the board. To Peters, a staunch friend of Washington, Pickering, on January 21, 1811, then in the Senate of the United States, addressed a letter, in which he goes into great detail, for the purpose of establishing the opinion of

* *Infra*, § 168 *ff*. See also index, title Dana.

Washington's incompetency as commander-in chief, vindicating thereby his action in 1777 adverse to Washington. "I joined the main army," so says Pickering, "as adjutant-general, in the middle of June, 1777. In less than three months after happened the battle of Brandywine," a battle which he describes in detail, making it appear that Washington, although on the field, let the battle take care of itself. On September 16, according to Pickering, the question of further retreat came up, and as to this he thus speaks:

"Having been with the army just three months, and in that time not having found it possible to accost the general with ease (although I could converse without difficulty and freely with every other general officer) and being naturally diffident, you will imagine how urgent was the occasion when I could address him in this language: 'Sir, the advancing of the British is manifest by the reports of the musketry. The order of battle is not completed. If we are to fight the enemy on this ground the troops ought to be immediately arranged. If we are to take the high grounds on the other side of the valley we ought to march immediately, or the enemy may fall upon us in the midst of our movements. *Pray, sir, decide.*' 'Let us move,' was the general's instant answer. You may see this passage on the 27th page of my letter of April 22, 1808, to Governor Sullivan, of which I sent you a copy, excepting the three emphatical words which concluded my short but earnest address; for, after I had written the words 'Pray, sir, decide,' I struck them out, as they so strongly marked the general's want of decision. Hence the printed letter appears without them." He goes on to say that although he had entered the army with "an exalted opinion of General Washington's military talents," he had at that time, just before the retreat to Valley Forge, not only seen nothing to "support" that opinion, but that "my opinion was exceedingly lowered. For on the 11th of September, in the time of action, the general for the most part appeared more like a passive spectator than the commanding general; and on the 16th was manifested the dangerous indecision above stated." Of the skirmish at White Marsh, "in the beginning of December," Pickering gives a detailed account, the salient feature of which is that the general asked him whether it was "best to re-enforce Morgan or not;" upon which "instantly I answered in the negative, giving reasons, and then 'That is true,' was the general's reply. After skirmishing with Morgan's corps and the advanced guards the enemy retired."

As further sustaining the propriety of the conclusions to which he then arrived, Pickering gives as a closing proof a conversation between himself and Washington at the siege of Yorktown, in which he virtually charged Washington with not knowing what investment of a fortified place meant, and with recklessly exposing his men in such an investment. To this charge, according to Pickering, "the General made no reply," and on this we have Pickering's comment, as follows: "This

was the seventh year of the war, and yet it is certain that the general had not then formed any distinct idea of the investment of a fortified place." That these were Pickering's deliberate views appears not only from the care shown in the original letter to Peters, from which the above is taken, but from the fact that a copy of the letter, with only slight variations, was preserved, evidently for the publication, which it afterwards received.* These passages are cited, not because Pickering's judgment on military matters is entitled to the slightest weight, but because they show the position taken by the opponents of Washington in the congressional committee of 1777–'78.

Taking into consideration, therefore, the attitude of the committee on military affairs as originally appointed, we can understand why it was that the friends of Washington should have looked upon the consequences of its action with grave uneasiness. If Pickering's views, held by him as they undoubtedly were with his customary tenacity, had prevailed, Washington would have been put in a position in which the only alternatives were resignation or—disastrous as would have been the precedent, and repugnant as it would have been to Washington—an appeal to the army and the people at large.

The arrival of Gates at York at this very crisis tends to sustain the Lewis tradition, since it is not unlikely that when one side summoned Gouveneur Morris for the emergency, the other side would have summoned Gates.

Mifflin was known in 1777 to be among those who thought it would be better that Washington should be superseded by a more adventurous general. Yet in the fall of 1777 we find Richard H. Lee urging Mifflin to accept a seat in the board of war, to which he had been just elected, and in which his disaffection to Washington would be peculiarly potent.

Shortly after the appointment of the committee above noticed, when the impropriety of putting Mifflin on such a committee was urged, those so objecting were sneered at by Lovell, a leading Massachusetts delegate, as "devotees of Fabius,"† and Lovell, as we have seen, unquestionably desired to see Washington superseded by Gates. By the same parties Conway's cause was sustained in 1777 with some probability of success,‡ though on June 7, 1778, Conway, when attending the session of Congress after the failure of the plot above mentioned, writes to Gates:

"My reception, you may imagine, was not a warm one. I must except Mr. Samuel Adams, Colonel Richard Henry Lee, and a few others, who are attached to you, but who can not oppose the current."§

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* 2 Pickering's Life, by Upham, 83–87.

‡ Lovell to S. Adams, Jan. 21, 1780, Bancroft, MSS. Lovell's opposition to Washington is noticed at the beginning of this section.

‡ Duer's Life of Sterling, 183 *ff.*

§ 1 Sparks' Life of G. Morris, 169. See 2 Greene's Life of Greene, 39.

In March, 1777, General Charles Lee, then a prisoner in New York, entered into a traitorous correspondence with the British authorities. His perfidy, which was suspected, Hamilton tells us, by those who witnessed his subsequent misconduct at Monmouth, he sought to cover up by violent public denunciations of Washington.* Yet on September 12, 1778, we find Dr. William Shippen writing to his brother-in-law, Richard H. Lee, as follows:

"We wrote several letters to you on General [Charles] Lee's situation, informing you that there are many very good officers in camp who approve of his conduct on the 28th, and are surprised at the sentence of the court-martial: such as Gates, Knox, Lincoln, Parsons, McDougal, etc. You have all the testimony, etc., before you, and I am sure will not do injustice to so able an officer. General L. says he blames himself only for not ordering a retreat."*

Several other letters appear among the Arthur Lee papers showing the attachment of the brothers to Charles Lee, who, though not a relative, was their personal friend.

After the arrival of Carroll on January 17 and of Gouverneur Morris on January 20, and the consequent accession of Maryland and New York to the States supporting Washington, the following proceedings indicate that the majority of Congress, as thus reconstituted, was not ready to leave the control of the proposed committee in the hands of Washington's adversaries:

January 20, 1778.—"*Ordered*, That the members attending the business of the board of war inquire of General Gates whether he can go to camp, agreeably to his appointment, for the purpose expressed in the resolution of the 10th instant, and when he can set out on that business."

In the afternoon the committee reported:

"The members who conduct the business of the board of war reported to Congress sundry reasons assigned by General Gates why the members of the board of war ought immediately to enter on the business of that department; whereupon:

"*Resolved*, That General Gates, General Mifflin, and Colonel Pickering be excused from attending on the business mentioned in the resolution of the 10th, and that General Mifflin, Colonel Pickering, and Colonel Trumbull be directed to repair immediately to this place.

"*Resolved*, That two members be added to the committee appointed to repair to camp to execute the business prescribed in the resolutions of the 10th inst.

"The members chosen: Mr. Carroll and Mr. G. Morris."

Henry Laurens, a delegate from South Carolina and for a time President of Congress, was in the fall of 1777 regarded as sympathizing with Samuel Adams and the Lees in their dread of executive invasion of congressional prerogative. This was the cause of his being looked upon by Gates and Conway as friendly to their cause, differing in this

* 27 South. Lit. Mes., 437. This letter is among the Lee MSS. Charles Lee's history and treason are discussed in a note to a letter of Franklin to Charles Lee, *infra*, under date of Feb. 11, 1776. Charles Lee, according to one of Yorke's dispatches from Holland to the British ministry (Sparks Collection at Harvard College, vol. 72), was the "worst present the Americans could receive." (See George H. Moore's "Treason of Charles Lee," N. Y., 1858.)

respect from his son, John Laurens, who was devotedly attached to Washington. The following extract, however, from a letter from Henry Laurens to John Laurens, dated April 9, 1778, at York Town, Pennsylvania, where Congress was then sitting, shows that at that time the friends of Gates had given up the expectation of putting him in Washington's place:

"In conversation with General Gates, without seeking on my side, I discovered an inclination on his part to be upon friendly terms with our great and good general. It can not be doubted that there is the same disposition on the other side. What would I not give to see a perfect and happy reconciliation? In talking of General Conway's letter, which has been circulating, as formerly intimated, and of which General Gates declared his ignorance and disapprobation, I took occasion to say if General Conway pretends sincerity in his late parallel between the great F. [Fabius] and the great W., he has, taking this letter into view, been guilty of the greatest hypocrisy; if not, he is chargeable with the guilt of an unprovoked sarcasm. The general (Gates) perfectly acquiesced in that sentiment, and added such hints as convinced me he thought lightly of Conway. Shall such a man separate friends and keep them asunder? It must not be." (MSS., Dreer Collection, Philadelphia.)*

Were we able to decipher the letters written on congressional politics by Richard Henry Lee and of his correspondents, which are among the Lee papers at Harvard, in the archives of the American Philosophical Society, and in the library of the University of Virginia, no doubt much of the cloud which hangs over the congressional intrigues of that critical period would be removed. The letters of Richard H. Lee to Arthur Lee in particular are copious in their details of congressional action at that time; but at the very moment when light seems to dawn upon us, and when the names of those arrayed for and against independency of executive action seem about to be disclosed, we run against ciphers which are now insoluble. By those of Richard H. Lee's correspondents who did not use this cipher nicknames are used, whose meaning is now lost. Who, for instance, is "Fiddle-head" and "Base-viol," who appear in the congressional notes of Whipple, a member from New Hampshire, and a devoted friend of Richard H. Lee and of Samuel Adams?† Yet, until these questions are answered and the ciphers in the correlative parts of the Lee papers translated, we can not understand what were the party divisions in the sessions of 1777–'79, as viewed by Richard H. Lee and his friends.‡

* A letter, however, from Gates to Laurens, May 27, 1778 (Moore's Materials, etc., 111), shows that Gates, notwithstanding the above, continued to stand by Conway. See, also, Gates to Laurens, June 22, 1779 (*id.*, 144). As to Henry Laurens, see *infra*, § 172.

† See 2 R. H. Lee's Life, 111 *ff.*

‡ As an illustration of the ciphers used by Richard H. Lee may be given the following, from a letter of his to Arthur Lee, dated February 11, 1779: "He (Deane) has a very strong and a very artful party in 99 a XVII, and by means of commercial connections a considerable . . . 6 XXXV in almost every 354 a XXXVI. In the Eastern States, where he is well known, he has by far the fewest supporters. Indeed he has very few there. Those people are wise, attentive, sober, diligent, and frugal, which are qualities not fit for Deane's purposes. His principal 34 a IX s are from

That John Adams was during the Revolution hostile to giving executive power to the general-in-chief or to executive boards, and that he thoroughly disapproved of Washington's distinctive military policy, has been already incidentally observed. In John Adams' Works there are several incidental allusions to his acceptance of this position. Thus in addressing Greene, on June 22, 1776, he said:*

"That this p wer (of promotion of officers by Congress) may be abused and misapplied is also true. That interest, favor, private friendship, prejudice may operate more or less in the present assembly is true. But where would you lodge this power? To place it in the general would be more dangerous to the public liberty, and not less liable to abuse from sinister and unworthy motives."

In subsequent letters, as well as in debate, this view was earnestly pressed, and it was insisted that the appointment of officers should be given to the States from where the detachments to be commanded came.

He "hoped," in March, 1777, "that Congress will elect annually all the general officers. If, in consequence of this, some great men should be obliged at the year's end to go home and serve their country in some other capacity not less necessary and better adapted to their genius, I do not think the public would be ruined."† And on September 2 he wrote to his wife:

"I wish the Continental Army would at least prove that something can be done. But this is sedition at least. I am weary, however, I own, with so much insipidity."

Hamilton, on October 9, 1788, wrote‡ in a letter already noticed to Sedgwick as follows: "*The Lees and Adamses have been in the habit of uniting*, and here may spring up a cabal very embarrassing to the executive and of course to the administration of the Government. Consider this, sound the reality of it, and let me hear from you."

Afterwards Hamilton, in his letter on Adams' "public conduct,"‖ said "he was represented to be of the number of those who favored

254 a v 47 o b xxxvii and some* . . . nd from Pen.–a and almost all from 456 d xi. 222 a viii. For which purpose* . . . may imagine 6—r—l 417 a xxiv 332 b xxviii to 99 a xvii. * * * Nothing could serve the common cause so much as stopping these abominable intrigues and factions here. And as Mr. 4556 xiv has much 208 a xxx 423 xxvi the 2* . . . a x* . . . ix were 211 xxxii'd to 128 a xxxiii it, a very happy consequence wd f* . . . ." (Lee MSS., Harvard College.)

Among other cipher letters of R. H. Lee relating to the congressional politics of this critical period may be mentioned those of September 6, 1778, and May 19, 1779.

As to the bitterness which attended these conflicts, see *infra*, § 209 *ff*.

That Arthur Lee preferred a New England man as commander, and that he supposed Richard H. Lee shared in the same preference, appears from Arthur Lee's letter to Colden of February 13, 1776, hereafter given.

In all Washington's correspondence there is no such strong expression of disapproval as that applied to Richard H. Lee in a letter to Madison of October 10, 1787. (2 Bancroft's Hist. of Constitution, 443.

* John Adams to Greene, June 22, 1776, 9 John Adams' Works, 404.

† 1 John Adams' Works, 263; 1 Greene's Life of Greene, 263.

‡ 8 Lodge's Hamilton, 198. See, for subsequent correspondence, *supra*, § 4 *h*; *infra*, § 129 *ff*, where the character of Adams is discussed more fully.

‖ 6 Hamilton's Works, by Lodge, 393.

the enlistment of our troops annually, or for short periods, rather than for the term of the war; a blind and infatuated policy, directly contrary to the urgent recommendation of General Washington, and which had nearly proved the ruin of our cause. He was also said to have advocated the project of appointing yearly a new commander of the army; a project which in any service is likely to be attended with more evils than benefits, but which in ours, at the period in-question, was chimerical from the want of persons qualified to succeed, and pernicious from the peculiar fitness of the officer first appointed to strengthen, by personal influence, the too feeble cords which bound to the service an ill-paid, ill-clothed, and undisciplined soldiery."

The congressional opposition to Washington, which, when he was at Valley Forge, came so near bearing consequences the most disastrous, was not, it must be remembered, based on personal dislike.* For him John and Samuel Adams† and Richard H. Lee expressed a personal regard which it would be impossible to distrust. They were, however, zealous adherents of a policy which was not only antagonistic to that of Washington, but which, had they succeeded, would have made it impossible for Washington to have retained the control of the army. Washington was convinced of the necessity of enlistments and adequate support of soldiers for the war, and of the impolicy of placing in the hands of congressional committees the appointment of officers and the determination of military plans. The opposition, on the other hand, was opposed on principle to schemes which they held tended to build up a regular army, urged that the whole executive power of the Government in war, as well as in finance, should be kept in congressional committees, and, confident in the force of untrained enthusiam, condemned all strategy which savored in any way of delay. The leaders of this opposition, by preventing enlistments for the war, by holding the great military appointments in the hands of Congress, by refusing adequate compensation to soldiers, had much to do with protracting the war. Had they succeeded at the Congress at York in forcing Washington's resignation, they would have for the time wrecked not only the revolutionary cause, but the cause of that very liberty which these very men loved with such fierce ardor.

His policy approved by foreign authorities.

§ 12. At the very period in which the epithet of "Fabius" was applied to Washington by his congressional opponents as a mark of contempt, it was bestowed on him in Europe as a tribute of admiration. Thus, in the very able summary attributed to Burke, in the London Annual Register for 1777,

* See 1 Austin's Life of Gerry, 233, criticising Botta's statement to the contrary; Cf. Rutledge to Jay, Dec. 5, 1778.

† Samuel Adams' position is fully exhibited in his life by Wells, in two volumes, and in the briefer life by Hosmer, published in 1887. His papers in the Bancroft Collection I have also consulted, and have drawn from them several valuable extracts.

where the American campaign of that year is discussed, we have the following:

"By a few well concerted and spirited actions was Philadelphia saved, Pennsylvania freed from danger, the Jerseys nearly recovered, and a victorious and far superior army reduced to act upon the defensive, and for several months restrained within very narrow and inconvenient limits. These actions and the sudden recovery from the lowest state of weakness and distress, to become a formidable enemy in the field, raised the character of General Washington as a commander very high both in Europe and America; and, with his preceding and subsequent conduct serve, altogether to give a sanction to that appellation, which is now pretty generally applied to him, of the American Fabius."

"Thus," says an English author of strong tory sympathies, after discussing Washington's re-occupation of New Jersey in 1776, "the campaign of 1776 concluded, and the review affords few motives of satisfaction; the progress of the British arms was arrested and the result of previous successes ravished from their grasp by an enemy in every respect inferior."*

"From this first campaign," says a leading French historian,† "could be estimated the worth of this man, a mixture of Fabius and Epaminondas; resembling, as has been so well said, * * * those monuments whose greatness does not impress one at the first glance, precisely on account of the perfect harmony of their proportions and because no part astonishes the eye. 'The most rational of great men,' he was truly the personification of the most rationalistic of nations; and his *august good sense*, to use the happy expression of one of our contemporaries, was only the distinctive quality of the Anglo-Saxons carried to sublimity."‡

"The moral effect of Washington's successes" (in December, 1777), says Lord Mahon,§ "were felt throughout the United States. In the strong words of one of their own historians, it seemed like a resurrection from the dead. Washington himself, indeed, had never ceased to be serene and self-assured. In the lowest depths of fortune he said calmly to one of his chief officers that he should strive to the last, retiring, if need be, from State to State and from post to post, and, if even forced back from all, maintaining the war beyond the Alleghany Mountains. But many others who in bygone years had bawled when he was quiet, and who had blamed him for being so, were now wavering and whispering, while he continued firm. * * * By the days of Trenton and of Princeton this state of public feeling was reversed."

When this congressional opposition was at its height, "nothing," as is truthfully said by Lecky,‖ "except the great influence, the admirable moderation and good sense and the perfect integrity of Washington could have restrained the army from open revolt. The men who

* 2 Adolphus' History of England, 389.

† Theod. Fabas, Encyclopedie Nouvelle, art. Washington.

‡ 2 Martin's Decline of French Monarchy, 379.

§ 6 Mahon's History of England, 135; Eng. ed. of 1851, 203

‖ 4 Lecky's History of England, 249.

had borne the whole brunt and burden of the war, who had shown in many instances the most admirable patriotism and self-sacrifice, found themselves reduced to penury, and overwhelmed with debts, because the States evaded or neglected the obligations which were imposed upon them, and the belief was being generally spread among them that as soon as the peace had made them no longer necessary they would be cheated of what was due to them. Congress, after a long period of vacillation, had in October, 1780, at length pledged, by resolution, to give the American officers half pay for life, and by this measure alone had prevented the army from disbanding. The pledge was binding upon the nation as the dearest and most sacred obligation of honor, but was it likely that it would be observed? It had been carried in spite of strong opposition. The New England patriots were fiercely hostile to half pay as savoring of the abuses of a monarchy and tending to establish a military caste. * * * It was with great difficulty and by great management that Washington could in some degree appease the storm, while the fact that he had himself refused all reward for his services gave him a special weight in pleading the cause of his soldiers. The promised half pay was found to be so unpopular in several States that it would have been impossible to vote it, so it was agreed to commute it for a gross sum equal to five years' pay, and, in spite of a scream of indignation from New England, the requisite majority of the States was at last induced to secure that this should be paid at the end of the war."*

* See 1 Sparks' Washington, 385–392.

To Pickering's statement, as given in a prior section, may be opposed that of General Sir William Howe, in his speech in the House of Commons on April 22, 1779, when he undertook to explain why, with a vastly superior force, he was baffled in all his movements by Washington:

"As I have been blamed for not marching (in the prior summer campaign) before I left Jersey to attack General Washington, posted at Middlebrook, I must beg leave to trouble the committee with a few words upon that point. To have attacked General Washington in that strong post I must necessarily have made a considerable circuit of the country; and having no prospect of forcing him, I did not think it advisable to loose so much time as must have been employed upon that march during the intense heat of the season. * * * Persons of some authority, I am told, have said 'that the army ought to have gone into New England;' others that 'it ought to have gone up Hudson's River.' Permit me to examine the propriety of both these opinions by considering what would have been the consequences if either of them had been adopted. Suppose, in the first place, it had gone to New England; would that measure have led to a conclusion of the war? I think not; for, sir, wherever the main body of our army had gone, there most assuredly would General Washington have gone also. But that he would have avoided a general action I am authorized to say, *not only from his constant uniform conduct in that respect (and in which no doubt he acted judiciously)*, but also from this obvious reason: He knew we could have kept any part of Connecticut in the winter, except one or two places upon the coast of the sound. * * * The defense of Philadelphia was an object which I justly concluded would engage the whole of his attention. It was incumbent on him to risk a battle to preserve that capital. And as my opinion has always been that the defeat of the rebel regular army is the surest road to peace, *I invaria*

Washington's strength at home.

§ 13. Notwithstanding the opposition to his policy in Congress, an opposition always active and sometimes successful, Washington had with him almost in a body the army and the people of all sections of the country, taking them as a whole. It was a critical period; for had there been less grandeur about him, and less confidence in the principles of republicanism for which he had taken up arms, his assumption of supreme authority at the time when measures he deemed essential were thwarted, and the revolution thus endangered, would have been sustained by the army and by a dominant majority of the people. It was his abstinence from this exercise of prerogative which, in connection with his other transcendent qualities, drew to him not merely the reverence, but the love of his country, which secured the adoption of the Constitution over the deliberations leading to which he presided, and which gave him a unanimous

bly pursued the most probable means of forcing its commander to action under circumstances the least hazardous to the royal army; for even a victory, *attended by a heavy loss of men on our part, would have given a fatal check to the progress of the war and might have been irreparable.*" To carry the forts in the Highlands, supposing a northern expedition had been determined on, "would probably have cost a considerable number of men, defended, as they would have been, by General Washington's whole force. But, these forts being carried, how would the enemy have acted? In one of these two ways: He would either have put himself between me and New York or between me and the northern army." Of success at the battle of Brandywine he has not much to say, except that "to bring the enemy to an action was my object, and being confident that General Washington was studious to avoid it, unless under most favorable circumstances, some art and some hazard was necessary to accomplish my purpose." Of Washington's position at Valley Forge, when with a body of famished and half-clad troops he kept at bay a British army four times its size and in perfect condition, Howe uses language very different from that employed by the congressional critics in the momentous session at York: "The entrenched situation of the enemy at Valley Forge, twenty-two miles from Philadelphia, did not occasion any difficulties so pressing as to justify an attack upon that strong post during the severe weather" (although, the river being closed, it almost invested Philadelphia, cutting off provisions and forage); "and though everything was prepared with that intention, I judged it imprudent, until the season should afford a prospect of reaping the advantages that ought to have resulted from success in that measure; *but having good information in the spring that the enemy had strengthened the camp by additional works*, and being certain of moving him from thence when the campaign should open, I dropped all thoughts of an attack." (20 Parliamentary History, 689, 691–693, purporting to be taken "from the original edition prepared for the press by Sir William Howe." A second edition of this narrative, published in 1780, is in the Library of the Department of State.)

"The battles of Brandywine and Germantown, for instance, were lost by Washington, yet the effect was to coop up the victorious British army in Philadelphia, where, enjoying its festivities, neither officers nor men could stir out of the city limits except under heavy guard, and where the desertions of six months were greater than the American losses by death in the two prior defeats. The closeness of the siege is illustrated by a statement of the Earl of Carlisle, one of the British commissioners, written from Philadelphia on June 10: "This is market day, and to protect the people bringing in provisions, which otherwise they would not dare to do, large detachments, to the amount of above two thousand men, are sent forward into the country. We also profited by this safeguard, and I attended the general, Sir Henry Clinton, *as far as Germantown.*" (3 George Selwyn and his Contemporaries, 282.) This shows that

vote when named as President. English critics have lately spoken of him as possessing in perfection the qualities of an English gentleman, contrasting him with his opponent, George III, who is not now supposed to have possessed those characteristics. But it would be difficult to find in revolutionary times—which are the only times to which in such a case we could appeal—any English gentleman to whom Washington could be likened. Fairfax, in the wars against Charles I, abandoned, from irresolution, the control of a revolution which he might have so molded as to have established constitutional liberty. Falkland threw away his life in battle because he no longer felt any enthusiasm for either of the combatants between whom the battle was waged. Cromwell, with a more daring military genius than Washington, was imposed upon by cant, if he did not designedly use cant to impose on others, while by his own arbitrary action towards Parliament he precip-

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the British occupation did not extend five miles from the center of the city. (See *Infra*, § 21 *ff*, as to British conduct at Philadelphia.)

In the "History of the American War, by C. Stedman, who served under Sir W. Howe, Sir H. Clinton, and the Marquis Cornwallis"—a work of high military authority, though influenced by friendly feelings towards Cornwallis—the writer pays high tribute to the tact and courage shown by Washington in the surprise at Trenton, in his "judicious" subsequent Jersey campaign, and the "wisdom and activity" generally shown by him, i, 291. "In almost all the general actions to the northward the troops under Sir William Howe were superior in number to those under General Washington." His success against these odds is attributed to the combination in his character of prudence and courage.

"Washington, the dictator, has shown himself both a Fabius and a Camillus. His march through our lines is allowed to have been a prodigy of generalship." (Walpole to Mason, March 28, 1877; 6 Cunningham's Walpole, 423. See also Walpole to Mason, Feb. 27, 1777, *id.*, 417, as to the high opinion of Washington's strategy then prevalent in England.)

"No nobler figure," says Greene, in his "History of the English People," iv, 254, "ever stood in the forefront of a nation's life. Washington was grave and courteous in address; his manners were simple and unpretending; his silence and the serene calmness of his temper spoke of a perfect self-mastery. But there was little in his outer bearing to reveal the grandeur of soul which lifts his figure out of the smaller passions, the meaner impulses, of the world about him. * * * It was only as the weary fight went on that the colonists discovered, however slowly and imperfectly, the greatness of their leader, his clear judgment, his heroic endurance, his silence under difficulties, his calmness in the hour of danger or defeat, the patience with which he waited, the quickness and hardness with which he struck, the lofty and serene sense of duty that never swerved from its task through resentment or jealousy; that never, through war or peace, felt the touch of a meaner ambition, that knew no aim save of guarding the freedom of his fellow-countrymen, and no personal longing save that of returning to his own fireside when their freedom was secured."

In the same very able work are the following lines, which may be taken into consideration in connection with Pickering's criticisms on Brandywine and Valley Forge. "The rout of his little army of seven thousand men at Brandywine forced Washington to abandon Philadelphia, and, and after a bold but unsuccessful attack on his victors, to retire into winter quarters on the banks of the Schuylkill, *where the unconquerable resolve with which he nerved his handful of beaten and half-starved troops to face Howe's army in their camp at Valley Forge is the noblest of his triumphs.*"

itated the Stuart restoration. In the uprising against James II were engaged many eminent men, to whom America as well as England owes a great debt; yet on even some of the purest of these rests the charge of a furtive precautionary correspondence with the exiled dynasty. Washington, on the other hand, stands far in the front, not only of his own country, but of the country from which his family came. In him there was none of the irresolution of Fairfax, nor the enervating despair of Falkland, nor Cromwell's subjection of principle to power, nor the tortuous hedging policy of the revolutionists of 1688. Come what might, he would never surrender until independence was achieved; never till a good government was secured; never would treat with Britain except on the basis of independence. Unique at once in majesty, in devotion to principle, in military capacity peculiarly suited to the work he undertook, of spotless integrity, of undaunted courage, of rectitude no opposition could swerve, and of fortitude no disasters could overcome; at once liberative and constructive, completing as the object of his ambition not merely the overthrow of a bad government, but the establishment of a good government, he was recognized then by the people at large, as he has been recognized ever since, as embodying in its most perfect sense the true spirit of righteous revolution as well as the highest type of noble manhood.

Conflict of opinion as to finance. Robert Morris.

§ 14. In matters financial there was in the Continental Congress the same conflict between the merely "liberative" and the "constructive" schools—between the school of impulse and the school of system—as there was in matters military. For some time Congress managed the finances of the country by committees, whose composition varied from month to month, and which, with no concrete responsibility, had no settled views; sometimes holding to the importance of rigorous taxation and of hard money as a basis of credit; sometimes maintaining that all that is necessary in order to obtain unlimited funds is to issue an unlimited amount of paper money; confident, so those advocating this course were, that the certain ultimate success of the revolution would keep this paper up to par. At first the adherents of this view, consisting in the main of members who opposed the military policy of Washington and the diplomatic policy of Franklin, carried the day. But it began at last to be clear that the country, the solvency of which a vigorous system of taxation could have secured, was becoming bankrupt, and that its paper money was rapidly sinking in value. A department of finance was then moved for, and, after strenuous opposition, at last established, and on March 13, 1781, Robert Morris was placed at its head. In administrative experience, in combined wisdom and boldness of action, in familiarity with the laws of finance, in general capacity for the post, no one so competent could be found; and to his untiring and effective labors the correspondence in

the following pages bear witness.* He started with the position that on taxation, full and equal, must the country depend for its ordinary income; that until it showed its readiness to impose such taxation it could not either honorably or successfully borrow; that the issue of paper money must be stopped, and that a national bank should be established to equalize exchanges and meet sudden governmental exigencies. To the comparative success of his administration, in the face of an opposition the most bitter,† is the final triumph of the Revolution to be largely attributed. Our income from taxation was greatly increased, the bank was prosperous, and France, encouraged by this, continued to make loans and forward supplies, without which the campaign of 1781–'82 could not have been effectively conducted.‡

Similar conflict as to diplomacy.

§ 15. Among the settled rules of diplomacy are the following:

(1) An envoy is not to be pressed on a foreign court by which it is understood he will not be received.

(2) Even between sovereigns who are politically equal great delicacy of diplomatic address is required. We all know how much resistance an overbearing manner produces; and numerous instances exist in political history in which demands, which if couched in terms of kindliness might have been conceded, have excited the most vehement popular resentment when roughly made. We remember how deeply Canning's sarcasms cut into the American people, and how much our relations with England were imperilled by the dictatorial manners of British ministers at Washington before the war of 1812; and we have recently been reminded by Kinglake how much the French and English Crimean alliance depended on the tact and courtesy of the English minister at Paris and the French minister at London.

But to diplomacy as a system there was the same antagonism in Congress as there was to war as a system and to finance as a system. On the one side it was maintained that our relations with foreign nations ought to be freed from the artificial shackles which international law had imposed, and that we should approach them with blunt simplicity, demanding not only recognition, but aid. In other words, "militia" diplomatists, to use John Adams' illustration, "sometimes gain victories over regular troops, even by departing from the rules."‖ "I have long since learned," he adds, "that a man may give offense to a court to which he is sent and yet succeed." "No man," he says afterwards, "will ever be pleasing at a court in general who is not depraved in his

* See index, title Morris.

† See A. Lee to Samuel Adams, Mss., Aug. 6, 1782. As sustaining him, see Washington to Morris, Mar. 8, 1783; Jay to Morris, July 28, 1783.

‡ As to Morris personally, see *infra*, § 183.

‖ Adams to Livingston, Feb. 21, 1782, *infra*.

morals or warped from your interests."* It was in conformity with this conviction that Adams, in the summer of 1780, being in Paris as a peace commissioner but not as minister to France, addressed to Vergennes letters of such rugged animadversion as to lead to an entire cessation of correspondence between these two eminent men.†

Franklin's explanation was as follows:

"Mr. Adams thinks that America has been too free in expressions of gratitude to France—for that she is more obliged to us than we to her—and that we should show spirit in our application. I apprehend that he mistakes his grounds, and that this court is to be treated with decency and delicacy. The king, a young and virtuous prince, has, I am persuaded, a pleasure in reflecting on the generous benevolence of the action in assisting an oppressed people, and proposes it as a part of the glory of his reign. I think it right to increase this pleasure by our thankful acknowledgments, and that such expression of gratitude is not only our duty but our interest. A different conduct seems to me what is not only improper and unbecoming, but what may be hurtful to us. Mr. Adams, on the other hand, who at the same time means our welfare and interest as much as I or any man can do, seems to think a little apparent stoutness and a greater air of independence and boldness in our demands will procure us more ample assistance. It is for the Congress to judge and regulate their affairs accordingly." (Franklin to Congress, Aug. 9, 1780.)

Insistence on sending ministers to all foreign courts.

§ 16. The impetuosity which prompted military campaigns without regard to the rules of war prompted diplomatic campaigns without regard to the rules of

* Adams to Gerry, Sept. 3, 1783, *infra*.

† The late Richard H. Dana, in a note on the character of his grandfather, Francis Dana, thus speaks of this difficulty:

"Mr. Adams, years afterwards, in vindicating his course, says: 'I had the advice of Chief-Justice Dana, then with me as secretary of the legation for peace, to every clause and word of the whole correspondence.' * * * Mr. Dana said, 'The count neither wrote like a gentleman himself nor treated me like a gentleman, and it was indispensably necessary that we should show him that we had some understanding and some feeling.'" (R. H. Dana, 1 Penn. Mag. of Amer. History, 86.)

The letters which Adams at that time (the summer of 1780) addressed Vergennes for the purpose of showing him that "we had some understanding and some feeling," were, it must be repeated, sent when Franklin was the sole minister accredited to France from the United States, and when Adams was in Paris as a peace commissioner, without any diplomatic connection with France. The last of these letters, as given hereafter, under date of July 27, 1780, is an address of advice, in which, after bluntly denying the truth of Vergennes' statement that the French king had given certain aid to the American cause without being solicited by Congress, it is said:

"I am determined to omit no opportunity of communicating my sentiments to your excellency upon everything that appears to me of importance to the common cause in which I can do it with propriety. And the communications shall be direct in person or by letter to your excellency, without the intervention of any third person." In other words, aside from the tutorial tone by which the letter is marked, Vergennes is informed that Adams proposes to correspond with him on public affairs without the intervention of Franklin, with whom alone Vergennes, by the rules of international law, could keep up a correspondence as to American political affairs. Vergennes replied, on July 29, 1780, as follows:

"I have received the letter which you did me the honor to write to me on the 27th of this month. When I took upon myself to give you a mark of my confidence by

diplomacy. It is, as we have seen, a settled rule of diplomacy that a minister should not be pressed upon a foreign court by which it is understood that he will not be received. To this may be added the rule that applications for loans should, unless as part of a treaty alliance, be made through business channels. In disregard of these rules the majority of Congress, under the influence of Richard H. Lee and Samuel Adams, instituted a series of missions to European courts for the bare purpose of borrowing money, when the courts so addressed not only gave no intimation that they would receive these envoys, but when, from the nature of things, as well as from unofficial intimation, it should have been known that such reception would be refused.

Objections to this course.

§ 17. With France there was no difficulty, as France had intimated unofficially that such envoys would be received, at least in a private capacity, France being then ready to take the consequence of war with Britain. And this reception was accorded, as we will see, first to Silas Deane, then to Franklin, and then to Arthur Lee.

Here Franklin thought Congress should stop, saying that ministers should not be sent to sovereigns without first having some sort of assurance of recognition of the United States as an independent sovereignty, and that a "virgin" republic, as he called it, should wait till

informing you of the destination of Messrs. de Ternay and Rochambeau, I did not expect the animadversion you have thought it your duty to make on a passage of my letter of the 20th of this month. To avoid any further discussions of that sort, I think it my duty to inform you that, Mr. Franklin being the sole person who has letters of credence to the king from the United States, it is with him only that I ought and can treat of matters which concern them, and particularly of that which is the subject of your observations."

This closed the correspondence. Franklin afterwards (Oct. 8, 1780,) wrote to Adams that if he would say that the expressions by which Vergennes felt wounded "were the effects merely of inadvertence, perhaps you may think it proper to write something for effacing the impressions made by them. I do not presume to advise you, but mention it merely for your consideration. The vessel is not yet gone which carries the papers" (to America). To this letter, the only reply made by Adams was that he had sent a copy of the correspondence to Congress without comment. Neither to Vergennes nor to Franklin did he utter a word softening the rebukes uttered by him in the letters of which Vergennes had complained; and however much we may censure him for want of wisdom and kindliness, it is impossible not to be struck with the boldness he displayed in pursuing this peculiar course. Congress was in sore pecuniary straits; it had no money to carry on the war, and its resources for the future were exhausted. Without foreign loans it could do nothing, and Adams by this time was convinced, by his own want of success in Holland, that this aid could come only from France. In France Vergennes, so far as concerned foreign relations, was supreme. It required no little courage on Adams' part, whatever we may think of the wisdom and delicacy of the procedure, for him to tell Vergennes that he distrusted and disbelieved him. But his course was very unwise as well as ungracious, and, had he been then sole minister to Paris, might have broken up the French alliance.

there was some such recognition before thrusting embassies on foreign courts with demands for money.*

Congress thought differently. Arthur Lee was instructed to go to Madrid, with an alternate commission to Berlin; William Lee was sent to Vienna, Dana to St. Petersburg, Adams to The Hague, Izard to Florence, and the instructions in each case were to demand not only recognition, but subsidy.

Impolicy of forcing this issue.

§ 18. To suppose that the arbitrary sovereigns of Europe would, France excepted, hurry to acknowledge the new republic which was fighting for its independence against the parent state, showed very little knowledge either of diplomatic usage or of existing political conditions. But there was another reason why the policy of forcing envoys on those courts would fail. Russia, Prussia, Sweden, and even Holland and Spain, till they were driven into the war, were enjoying the enormous benefits which accrued to them as neutrals at a time when French and English flags gave no sure protection on the high seas. But the moment any neutral sovereign received American envoys his neutrality would be gone, for Britain would at once launch against him a declaration of war. To force on these neutral courts the issue of recognition of the United States by this means was not only to insure the rejection of these envoys, but to put the United States in the position of an upstart intruder, demanding money, when its very right to appear at such courts was denied.

Bad effects of such diplomacy.

§ 19. The bad effects of "militia" diplomacy were conspicuous. Arthur Lee was not permitted to reach Madrid, but was stopped on the road; and though Spain had, before notice of his visit, secretly given one million of francs to Vergennes for American use, she then, perhaps alarmed at the position she

* "I have not yet changed the opinion I gave in Congress, that a virgin State should preserve its virgin character, and not go about suitering for alliances, but wait with decent dignity for the application of others. I was overruled; perhaps for the best." (Franklin to A. Lee, Mar. 21, 1777.)

"Our credit and weight in Europe depend more on what we do than on what we say, and I have long been humiliated with the idea of our running about from court to court begging for money and friendship, which are the more withheld the more eagerly they are solicited, and would perhaps have been offered if they had not been asked. The supposed necessity is our only excuse. The proverb says, 'God helps those that help themselves,' and the world, too, in this sense, is very godly." (Franklin to Adams, Oct. 2, 1780.)

"The United States would blush to think that the history of any nation might represent them as humble suppliants for their favor." (Livingston to Dana, Mar. 3, 1782.)

Against this "rage for treaties" Gouverneur Morris also took decided ground, holding "that our true course was to go our own gait, without seeking outside favor, until we had shown ourselves able to keep our own place among nations, when the recognition would come without asking. (Roosevelt's Morris, 95.)

would be placed in by an American envoy appearing at Madrid, not only refused to give anything to Arthur Lee, but required him to depart. Berlin he succeeded in reaching, but merely in a private capacity; and there his presence was chiefly distinguished by the theft of his papers, by which important information was obtained by the British ministry, and the Prussian king was given the opportunity to make on the procedure some of those cynical criticisms in the framing of which he was so great a master.* William Lee then, under Arthur Lee's escort but with a separate commission of his own, attempted to be received, but was warned off by the following contemptuous note:

Schulenberg to Arthur Lee.

[Translation.]

"BERLIN, *November* 28, 1777.

"SIR: As to the commission of Mr. William Lee, the king having repeatedly declared his sentiments respecting the actual difficulties attending a commercial connection with America, notwithstanding his constant good disposition towards the Colonies, can not possibly conjecture, as circumstances have not changed, what proposition Mr. Lee can make more acceptable to his majesty, nor consequently what can be the object of his mission.

"I have the honor to be, etc.,

"BARON DE SCHULENBERG."†

Dana not only was denied an official reception in Russia, but was subjected to a series of mortifying rebuffs, to be hereafter detailed,‡ occupying there for two years a position as humiliating to himself as it was detrimental to his country.

Adams was refused recognition in Holland until Holland was forced by British insults and encroachments to join in the alliance with France and the United States against Great Britain.

Izard never left Paris, and found the Grand Duke of Tuscany not only unwilling to lend money to the United States, but even to recognize their existence.

Each of these missions was undertaken against the advice of France, whose interests led her to desire that the United States should obtain recognition and funds from other powers than herself. France, there is now no question, did her best to obtain recognition and funds for the United States from other powers; but she advised against the missions to Vienna, to Madrid, to Berlin, and to St. Petersburg, because she felt that at the time diplomatic appeals of this kind would fail.

There can be now no doubt that the cause of the United States was injured not merely by the importunity but by the indecorous tone of these appeals. Foreign monarchs, more or less absolute, could not be expected to hurriedly recognize the independence of provinces which were still in the throes of war with a sovereign with whom these mon-

* See *infra*, §§ 132, 193.

† See *infra*, § 91.

‡ See *infra*, § 92 *ff.*; and also index, title Dana.

archs were at peace, and when to these monarchs revolution was a word in itself very unacceptable. And still less likely were they to listen to such appeals when couched in ungracious terms, and when even to listen to such terms from an accepted envoy might involve them as belligerents in the contest, and cause them to lose the lucrative commerce which as neutrals they were industriously building up.

In other respects this "militia" system of diplomacy worked badly. It kept in Europe six ministers when one (Franklin) would not only have been sufficient, but would have been able, at the only court which would then receive an American envoy, to have served his country far more efficiently alone than he did when harassed by the presence of five associates imbued with the unconciliatory temper of the "militia" school. It put the United States to a very great expense, which it could ill afford, in paying the salaries of this large corps; and this expense was used as an argument against these envoys when they applied for loans to be employed in their support. But still more disastrous was the effect of this unnecessary aggregation of envoys on the Paris negotiations. Izard and William Lee were in Paris without any diplomatic occupation,* though drawing their full salaries, and they thought they were entitled to be consulted by Franklin as to his negotiations with France. In this position they were sustained by Arthur Lee. This was one of the elements in the dissensions by which the mission to Paris in 1777–'78 came near being broken up, and the alliance with France, on which the United States had then placed its dependence, subjected to a strain by which it was almost snapped asunder.†

* *Infra*, §§ 175, 178.

† As to these "dissensions," see *infra*, §§ 126, 149, 178; and index, titles Franklin, Arthur Lee, etc.

CHAPTER II.

ATTITUDE OF THE UNITED STATES TO FOREIGN NATIONS.

Growing aversion to Britain.

§ 20. The strength of the colonists' affection for the mother country is thus well stated by a thoughtful historian:*

"They loved their mother country with the love of children, who, forsaking their homes under strong provocation, turn back to them in thought when time has blunted the sense of injury with a lively recollection of early associations and endearments—a tenderness and a longing not altogether free from self-reproach. To go to England was to go home. To have been there was a claim to especial consideration. They studied English history as the beginning of their own, a first chapter which all must master thoroughly who would understand the sequel. England's literature was their literature. Her great men were their great men. And when her flag waved over them they felt as if the spirit which had borne it in triumph over so many bloody fields had descended upon them with all its inspiration and all its glory. They gave English names to their townships and counties, and if a name had been ground enough to build a pretension upon, more than one English noble who already numbered his acres in the Old World by thousands might have claimed tens of thousands in the New. They loved to talk of St. Paul's and Westminster Abbey, and with the Hudson and the Potomac before their eyes could hardly persuade themselves that the Thames was not the first of rivers."

Had the propositions of reconciliation made by the British Government in 1780–'81 been made in 1775, independence would not have been declared in 1776.†

As a mere matter of political reasoning the main positions of the Declaration of Independence could not be overthrown. That declaration was, however, not in itself a diplomatic appeal. It was a recital of prior appeals, made to and spurned by the parent sovereign, the most conspicuous of which was by Jefferson, published in 1774 in England under the editorship of Burke. If there were any documents which might be called diplomatic, proceeding from the United States to Great Britain prior to actual war, these appeals, with those of Franklin, hereafter given, might be so considered. They were meant in good faith. When they asserted loyalty to the British crown, it was

* Greene's Historical View of the American Revolution, 4th ed., 5.

† "If ever cause were just and had a right to success, it was that of the English Colonies, which rose in insurrection to become the United States of America.

"Opposition in their case preceded insurrection.

"Their opposition was founded on historic right and on facts, on rational right and on ideas." (5 Guizot's History of France, 353.)

because the authors of these appeals felt such loyalty; when they declared that if the right they claimed was refused it would be maintained by force, in this also they were in earnest.

Arrogance of British tone.

§ 21. The tone of George III, to whom the direction of British policy towards America is mainly imputable, as we observe it in his correspondence with Lord North, is, as to Americans, hard and overbearing throughout. Not one word of tenderness towards these his subjects escapes from him. They are "rebels;" they are "traitors" and "pirates;" they are without "courage;" they are never spoken of as entitled to even the immunities of civilized war; they are to be "distressed" by every kind of predatory brigandage, the more the better. To appeals for consideration to American prisoners his ear was closed, and Stormont, his ambassador at Paris, roughly answered a courteous application from Franklin for exchange that he "could receive no communication from rebels except one of submission." Sandwich, one of his cabinet, thus spoke of Americans in a harangue in the house of lords, which is thus noticed by an English author:

"It was on this occasion (March 15, 1775) that Lord Sandwich—the notable 'Jemmy Twitcher'—delivered that cruel and insolent tirade against the valor and honor of the American people which more than weightier wrongs, tended to confirm their undying aversion to the British aristocracy. 'Suppose,' he said, 'the Colonies to abound in men. Of what importance is the fact? They are raw, undisciplined, and cowardly. I wish, instead of forty or fifty thousand of these brave fellows, they would produce at least two hundred thousand. The more the better. The easier would be the conquest. At the siege of Louisburg Sir Peter Warren found what egregious cowards they were. Believe me, my lords, the very sound of a cannon would send them off as fast as their feet would carry them.'"*

The Duke of Chandos, in moving the address of thanks in the same debate, referred to the "many public and private virtues of the sovereign, and the obstinacy, baseness, and ingratitude of his rebellious subjects in America;" and even in the protest of the minority it is said not that the allegation of the cowardice of his majesty's American subjects was not true, but that it was not relevant. It is no wonder that Franklin should have referred to these statements of the ministerial position as a reason why submission on our part would be ignominious.*

Even by so accomplished and soldierly a man as André was this tone

* 1 Jesse's Mems. George III, 591.

In a note the same writer shows that to the valor of the American troops the capture of Louisburg was almost exclusively due. "They took Louisburg from the French single-handed," so it is said, adopting a speech of Hartley, "without any European assistance; as mettled an enterprise as any in our own history; an everlasting monument of the zeal, courage, and perseverance of the troops of New England. The men themselves dragged the cannon over a morass which had always been thought impassable, where neither horses nor men could go, and they carried the shot upon their backs."

† See the full reports in Walsh's Appeal, 90, (4 to), 92.

assumed, and it naturally would not have been assumed by him if not likely to be acceptable to those among whom he moved. We have this illustrated in a "literary exercise" held in New York on January 7, 1779, in which this gallant officer read a "dream about the rebels," "for which," according to Rivington's Royal Gazette of January 23, "he gained much applause from the fair and the bold."*

Yet André, from whom came this paper, afterwards so widely circulated, was a man of refined training and of artistic tastes, which found exercise in the pageantry of the Mischianza, to be presently noticed, and was, as he afterwards showed in the treachery and tragedy in which he took the leading part, a soldier as courageous as he was adventurous.

Barbarity.

§ 22. It is with much reluctance that the topic of British barbarity during the revolutionary war is here taken up. It is impossible for us to forget that most of those concerned in directing the Revolution in this country were of a common stock with those who were struggling in England to put it down; and that it is to England that we owe our early literature, and many of those liberal principles which lie at the foundation of our distinctive American system. It is impossible also to forget that in late years our relations with England have been intimate and friendly; that, aside from social connections, we do more business with England and her dependencies than with all the rest of the world, and that, as a rule, this business is conducted with mutual confidence and

* In this dream, which supposes certain eminent rebels to be called into court for judgment, "the first person called upon was the famous Chief-Justice McKean, who I found had been animated by the same spirit which formerly possessed the memorable Jeffries. I could not but observe a flash of indignation in the eyes of the judges upon the approach of this culprit. * * * He was condemned to assume the shape of a blood-hound. * * * The black soul of (William) Livingston, which was fit for treason, sacrilege, and spoil, and polluted with every species of murder and iniquity, was condemned to howl in the body of a wolf. * * * The President of the Congress, Mr. Jay, next appeared before the tribunal, and his trial was conducted with all the solemnity due to so distinguished a character. I heard, with emotions of astonishment and concern, that in various human forms he had been remarkable for a mixture of the lowest cunning and most unfeeling barbarity. * * * The court immediately thought fit to order that this criminal should transmigrate into the most insidious and most hateful of animals, a snake; but, to prevent his being able any longer to deceive and thereby destroy, a large set of rattles was affixed to his tail, that it might warn mankind to shun so poisonous a being. The whole Continental Army now passed in review before me. They were forced to put on the shape of the timid hare, whose disposition they already possessed. With ears erect, they seemed watching the first approach of danger, and ready to fly even at the appearance of it. But, what was very singular, a brass collar was affixed to the neck of one of their leaders, on which I saw distinctly the following line:

'They win the fight that win the race,'

alluding to the maxim he had always pursued of making a good and timely retreat." The whole of this paper is in 2 Moore's Diary Am. Rev., 120 *ff.*

respect. Yet, on the other hand, the historian of the Revolution can not fail to be impressed with the great prominence given by our diplomatists to the barbarity with which Britain conducted the war. This barbarity, as will be seen by turning to the index with which this volume opens, was the subject of solemn report to foreign governments, and to no less solemn appeals to the British authorities, challenging them to meet the charges made. The papers containing those statements and appeals will be found in the following pages; and particular reference may be made to the letters of Jay to Morris of October 6, 1776; of Franklin to Hartley of October 14, 1777; of the commissioners at Paris to Vergennes of January 1, 1779; of Franklin to Hartley of October 14, 1777, of September 3, 1778, of February 2, 1780; of Livingston to Adams of January 9, 1782; of Livingston to Dana of March 3, 1782, of May 27, 1782, of December 17, 1782.

Terrible must have been the devastations thus wrought, and cruel must have been the spirit in which they were perpetrated, to have induced a man of so judicial a temper and calm a spirit as Jay to declare that he would rather consign to desolation all the southeastern section of New York, embracing the city itself, and that long belt of pleasant homes on the North and East Rivers, the site where his early days had been spent and where his wife's relatives and his own were domiciled, than see it subjected to British sway.*

But we do not rest on revolutionary authority for evidence of a barbarism which assumes a prominent position in our history, because it was on the one side a chief obstacle in the way of the revolutionists coming to terms with the mother country, and on the other side one of the causes of the growth of English opposition to the war. By no class of men was this barbarism more fully known, by none were its pernicious consequences more keenly felt, than by such of the loyalists as were not themselves participants in its atrocities and the plunder it produced. Judge Thomas Jones, for instance, was an eminent New York colonial judge, of a distinguished New York family, a graduate of Yale College, and a scholar of no slight attainments, the possessor of a large landed estate, and on principle strongly attached to the royal cause.

No one knew better what was going on in that city during British occupation than did Judge Jones; no one proved himself, by his devotion at the time and his subsequent sacrifices, more loyal to the British crown; there is no one in whose veracity we can more confide when we come to his narration of facts with which he was personally familiar. Now, Judge Jones was the author of a History of New York During the Revolutionary War, in two volumes, which was published in 1779 by the New York Historical Society, and which is of singular interest not merely from its extrinsic authority, but from the intrinsic proofs of truthfulness exhibited by its naturalness, its circumstantiality, and by

* See Jay to Morris, Oct. 6, 1776, given in full, *infra*.

the obviously sincere expressions of pain by which its statements of these atrocities are marked.*

In volume 1, page 137, we are told that the British troops, when quartered at Princeton, "among other plunder, robbed Nassau Hall of its library, its mathematical and philosophical instruments, and other appurtenances." Upon the sacking of the town of New Haven, in Connecticut, by General Tryon in June, 1779, Yale College, was plundered of its library, consisting of many thousand books, together with other valuable property. "In the same month, upon plundering and burning the town of Norwalk in the same colony, under the orders of the same general (Howe), a most elegant, large, beautiful, and well-collected library, an heirloom belonging to the Morrisaniana family in the county of Westchester, which had for safety been removed to Norwalk, was pillaged, carried to New York, and disposed of by the thieves, the robbers, and the plunderers in the same manner as those plundered in New York had been before dis-

* In a criticism by Mr. Henry P. Johnston of Judge Jones' History (N. Y., D. Appleton & Co., 1880), it is said that "living affluently at Great Neck, Long Island, possessed also of a large estate in New York, and related by marriage and social ties to few who were not as firm loyalists as himself, he (Judge Jones) may be regarded as the type of the American subject whose influence King George imagined would be strong enough to keep at least the province of New York from drifting into revolt. From 1769 to 1773 he had been recorder of the city, when he was appointed to succeed his father as one of the justices of the supreme court of the colony, a position in the gift of the royal governor. His associations, his office, his conservative mold combined to determine his relations to the Revolution." But while these influences and prejudices, coupled with the fact that he was not in any sense a party to the councils of the Revolution, and that what he knew of revolutionary action was largely from hearsay, greatly lessen the weight of his charges against revolutionary leaders, they strengthen his statements of such misconduct of British officers as he personally witnessed, his interest being closely bound up with the maintenance of the British cause. It is true that when his history was written, at the close of the war, he was much embittered against the Howes and against Clinton, to whose mismanagement he charged many British disasters. But, allowing for this, his testimony as to official misconduct on the British side comes to us with peculiar strength, because he speaks as the representative of the loyalist aristocracy of New York, some of whom were in British service during the occupation, and most of whom were eye-witnesses of the circumstances he relates. Jones was himself imprisoned in Connecticut for six months in 1776, and for six months in 1779, while during the intervening period he was in New York under parol, and was consequently precluded from taking an active loyalist part. But though such was the case, he was a social leader of New York toryism during the Revolution, and gives us accurately the views of that particular society in which the British officers in the city distinctively moved. (See further criticism in 6 Mag. Am. History, etc., 421.)

In Galloway's Cool Thoughts on the Consequences of American Independence, published in London in 1780 for the purpose of stirring up the ministry to more vigorous measures, is the following:

"The mode of carrying on the war, more cruel to friends than foes, added to the inhumanity and treachery of this country in not exerting its powers for their relief, will not fail to create permanent enmity and resentments, and the obligations of gratitude to the nation which shall save them from our ravages will stamp impressions never to be effaced."

posed of. All this was done with impunity, publicly and openly. No punishment was ever inflicted upon the plunderers. No attempts were made by the British commanders to obtain restitution of the stolen goods, nor did they ever discountenance such unjustifiable proceedings by issuing orders condemning such unmilitary conduct and forbidding it in future. In short, from the whole conduct of the army during the course of the war it seemed as if the suppression of a dangerous rebellion was but a secondary consideration. The war, in fact, was not levied at rebellion, but at the treasury of Great Britain; at his majesty's loyal subjects within the lines; indiscriminately against all persons wherever the army moved; against erudition, religion, and literature in general. Public libraries were robbed, colleges ruined, and churches of all denominations burned and destroyed; while plunder, robberies, peculation, whoring, gaming, and all kinds of dissipations were cherished, nursed, encouraged, and openly countenanced."*

Burgoyne's adoption, in the summer of 1777, of the wilderness route through Skenesborough, which proved fatal to his expedition, is charged to corrupt influences brought on him by Colonel Skene, whose property was to be improved by the proposed military road.†

The plundering expedition of General Grey (afterwards the first Earl Grey) in Connecticut in the summer of 1778 is thus narrated:‡

"General Clinton, finding nothing to be done, returned to New York, but dispatched General Grey with about four thousand men, under the convoy of some frigates, to the eastward, to exterminate the nests of some rebel privateers which abounded in the harbors, rivers, and creeks about Buzzard's Bay, in the old colony of Plymouth. This business was effectually performed. At Fairhaven seventy sail of shipping were destroyed, with small craft in abundance. The magazines, wharfs, stores, ware-houses, rope-walks, and vessels on the stocks were all burnt. All the dwelling-houses and holy edifices dedicated to the worship of God shared the same fate. From Fairhaven the general proceeded to Martha's Vineyard, the Elizabeth Isles, Nantucket, and Block Island, and disarmed the inhabitants (who had never interfered in the contest), laid them under contribution, plundered their houses, and brought with them to New York about two thousand sheep, one thousand fat cattle, fifteen hundred hogs, and nearly five hundred horses, exclusive of what was used upon the expedition. The sheep, cattle, and hogs were in New York delivered to the commissaries, killed, and distributed in rations to the army; and, though they cost the commissary nothing, were the plunder of a licentious army, to which (in point of conquest) they belonged, yet he had the conscience to charge the crown two shillings for every pound. He, besides, sold the head, skins, and hides, and put the money into his own pocket. The horses were delivered to the quartermaster, and the crown charged £20 sterling for each. No wonder that commissaries, barrack-masters, and quartermasters made such amazing estates during the American war. Nor is it a wonder that John Bull got tired of this war, not against rebellion, but against the treasury of Great Britain."

While this system of devastation and plunder was in pursuance of George III's instruction that the time had come to "distress the rebels," it added greatly to the obstacles in the way of British success. Not only was the population on which the outrages were committed made

* 1 Jones' Hist., *ut supra*, 138. † *Id.*, i, 201. ‡ *Id.*, i, 278.

implacable, but the British army, as we learn from this high loyalist authority, was corrupted and enervated by the plunder and by the ignoble warfare of which it was part.

We are afterwards told by Judge Jones* that the British barrack-masters, who were authorized to cut down the woods on the "rebel" estates adjacent to New York, sold this wood in New York at £4 8*s.* a cord, that the "commanding general" prior to Carleton "connived at this piece of wickedness," and that the "favorite dulcineas of Clinton, Robertson, and Birch were all supplied with large quantities of wood by their orders."

In a letter of Rev. Samuel Peters of December 9, 1779, "based upon letters from Canada," given by Judge Jones,† we have the following reply on behalf of loyal provincials to Burgoyne's charge that "his defeat was brought on him by the ill conduct of the Indians, Canadians, and provincials, on whom he found too late was no dependence:" "General Burgoyne," says Peters, "while at Quebec, encouraged the Indians to join him under their own captains and to fight the enemy in their own way; the only argument that could have prevailed with the Indians to join him." It seems, however, that he afterwards endeavored to stop their excesses, "whereupon they set up their howl, fled, and left him."

It is further stated that the books in the public libraries of New York were carried off and sold by British soldiers during their occupancy.‡ We are also told that "Arnold," after his Virginia raid, "returned to New York as rich as a nabob with the plunder of Virginia. Phillips was now sent to make his fortune out of what Arnold left unplundered."

The plundering of St. Eustatia by the British in 1781 was the subject of resolute remonstrance by London merchants. "Having passed the bounds of all shame," to quote from another authority, "we have returned the forbearance of the French at the Grenadas to our proprietors by the contrary practice at St. Eustatia; Lord George Germain, however, out of modesty or pride, has refused to avow this scandalous proceeding under his hand in his answer to our merchants, who have remonstrated against it."§

"Yesterday we learned that La Mothe Piquet, who had lain in ambush (no sea term, I doubt) at the mouth of the channel, had fallen in *au beau milieu* of our fleet from Eustatia, laden with the plunder of all nations, and has taken at least twenty of them. The two men-of-war and two frigates that convoyed all that spoil took to their heels and, to talk like an Irishman, are on Irish ground in one of their harbors."‖

One of the most candid and intelligent contributions on the British

* 1 Jones' Hist., *ut supra*, i, 341.

† *Id.*, i, 683.

‡ *Id.*, ii, 136, 137.

§ Walpole to Mason, Mar. 3, 1781; 8 Cunningham's Walpole, 23.

‖ Walpole to Mason, May 16, 1781; *Id.*, 40.

side to the history of the war is that published, under the title of Travels in America, by Lieutenant Anberey, who was in Burgoyne's army that capitulated at Saratoga.

"The loyalists in Pennsylvania," he tells us, "generally accuse General Howe with ungrateful conduct in abandoning Philadelphia after all the assistance they had given him, and not having during the winter endeavored to dislodge General Washington at Valley Forge, suffering the enemy to harass and distress the loyal inhabitants on every side of the British lines, destroying their mills, seizing their grain, horses, and cattle, imprisoning, whipping, branding, and killing the unhappy people devoted to the cause of their sovereign, who at every risk were daily supplying the army, navy, and loyal inhabitants within the lines with every necessary and luxury the country afforded."*

Samuel Curwen, before the war began, had been a successful merchant at Salem, in his early manhood had been a captain in Pepperell's attack on Louisburg, and was subsequently judge of the royal admiralty court of Massachusetts. In May, 1775, unable to fall in with the revolutionary spirit which was then becoming dominant in his province, he resigned his office, gave up his business, and went to England, where he remained during the war. His conviction that his allegiance was due to the British crown never abated until he found that, by the treaty of peace, Britain herself had surrendered that allegiance. Yet, while acknowledging this loyalty as a matter of conscience, his journal and letters, published in 1842, show how crushed he was by what he learned of British warfare on his native shores. Thus, in an entry on November 22, 1777, he quotes without dissent the following report of a speech of Chatham's:

"Have they endeavored to conciliate the affections and obedience of their ancient brethren? They have gone to Germany, sought the alliance of every pitiful, paltry prince to cut the throats of their loyal, brave, and injured brethren in America. They have entered into mercenary treaties with these human butchers for the purchase and sale of human blood. But, my lords, this is not all. They have let the savages of America loose upon their innocent and unoffending brethren—the aged, weak, and defenseless; on old men, women, and children; upon babes at the breast—to be cut, mangled, sacrificed, burnt, and roasted; nay, to be eaten. These are the allies Great Britain now has. Carnage, desolation, and destruction wherever her arms are carried is her now adopted mode of making war." (Curwen's Journals, 174.)

And this he inserts with a sigh. Throughout the volume in which his letters and journals for seven years are entered, there is a constant recognition, not of the wrongfulness of the British title, for this his feelings of legitimacy precluded him from disputing, but of the folly and the wickedness of the way in which that title was pressed.†

* 2 Anberey's Travels, 266.

† "If this neglect (in the winter New Jersey campaign of 1776-'77) was prejudicial to the British cause, how much more fatal was the detestable licentiousness in which the military were permitted to indulge in the Jerseys. Plunder and wanton insult disgusted and incensed the natives, and afforded opportunities of reproach which

If it be said that there was retaliation in these atrocities, it must be remembered, aside from the want of proof of systematic rapine on the American side, that on American homes, American property, American families the fury of this cruel devastation fell; and these cruelties

were not neglected by the partisans of America." (2 Adolphus' History of England, 391.)

In the London Annual Register for 1777 we have the following:

"It is scarcely possible that the devastation and disorders practiced by the Hessians should not operate in some degree in their example on the British troops. It would have been difficult to have punished enormities on the one side which were practiced without reserve or apprehension on the other. Every successful deviation from order and discipline in war is certainly and speedily followed by others still greater." (*Id.*, 12.) * * * "Among other enormities which received the censure of our neighbors in that country, the destruction of the public library at Trenton, and of the college and library at Princeton, together with a celebrated orrery made by Rittenhouse, said to be the best and finest in the world, were brought as charges of a Gothic barbarity which waged war even with the literature and sciences." (*Id.*, p. 13.)

"The consequences of the late military outrages in the Jerseys were severely felt in the present change of circumstances. As soon as fortune turned and the means were in their power the sufferers of all parties, the well-disposed to the royal cause as well as the neutrals and wavering, now rose as a man to revenge their personal injuries and particular oppressions, and being goaded by a keener spur than any which a public cause or general motive could have excited, became its bitterest and most determined enemies. Thus the whole country, with too few exceptions, became hostile; those who were incapable of arms acting as spies and keeping a continual watch for those who bore them, so that the smallest motion could not be made without its being exposed and discovered before it could produce its intended effect." (*Id.*, p. 21.)

The same journal, in its issue for 1781 (p. 15), after noticing the depredations of the New York loyalists on the adjacent coasts, says that "the consequence was that the adjoining coasts of the continent, and particularly of the maritime and nearer part of the Jerseys, became scenes of waste and havoc; and this predatory war tended neither to subjugation nor reconcilement."

According to the London Chronicle of August 24-26, 1779, a paper which was the particular organ of American loyalists, the outrages by British soldiers on loyalist refugees were as great as those inflicted on the patriots:

"If the British general was indolent and neglectful in putting a stop to these cruelties (the plunder and rapine of loyalists coming to the British lines for protection), the rebel commanders and new States were not so in converting them to their own benefit. Every possible advantage was taken of the enormities. Affidavits were taken of the plunder and of every rape. * * * By these means the minds of many were turned against the British Government and not a few in desperation joined the rebel army. The force of the rebels was increased, the British weakened, and the humanity and glory of the Britons received a disgraceful tarnish which time can never efface."

Affidavits showing the details of British depredations in Connecticut during the war are given in the appendix to Hinman's (Connecticut) Historical Collection, Hartford, 1842. See also, for affidavits of outrages in Pennsylvania, Pennsylvania Evening Post, May 1–3, 1777, and succeeding issues.

Mr. Lecky, in his History of England, thus speaks:

"When the news of the burning of Norfolk arrived, Washington expressed his hope that it would unite the whole country in one indissoluble band against a nation which seems to be lost to every sense of virtue and those feelings which distinguish a civil-

were extended wherever ravaging squads could penetrate, wherever an armed vessel could find entrance. There was no retaliation here, for the British had here no homes to be desecrated; no village churches

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ized people from the most barbarous savages. If such language could be employed by such a man, it is easy to conceive how fierce a spirit must have been abroad. In the dissolution of all government, mob intimidation had a great power over politicians, and mobs are always in favor of the strongest measures, and the adoption of the policy of armed resistance had naturally given an increased power to those who had been the first to advocate it. Every step which was taken in England added to the exasperation. Already the Americans had been proclaimed rebels and all commercial intercourse with them had been forbidden. The petition of Congress to the king, which was the last serious effort of America for pacification, was duly taken over to England; but after a short delay Lord Dartmouth informed the delegates that no answer would be given to it. An act of Parliament was passed authorizing the confiscation of all American ships and cargoes and of all vessels of other nations trading with the American ports, and by a clause of especial atrocity the commanders of the British ships of war were empowered to seize the crews of all American vessels and compel them, under pain of being treated as mutineers, to serve against their countrymen. All these things contributed to sever the Colonies from amicable connection with England and to make the prospect of reconciliation appear strange and remote. Separation, it was plausibly said, was the act of the British Parliament itself, which had thrown the thirteen Colonies out of the protection of the crown." (Lecky's History of England, 452.)

The ferocity permitted in the British army is exhibited in an incidental passage in a family letter to Lady Ossory, written by her brother-in-law, General Fitzpatrick, from "the head of Elk River, Maryland, September 1, 1777," and afterwards published in a note to a letter to Lady Ossory in 7 Cunningham's Walpole, 3:

"The scene we are witnesses to is the most vile and execrable that can be conceived. A soldier of ours was yesterday taken by the enemy beyond our lines who had chopped off an unfortunate woman's fingers in order to plunder her of her rings. *I really think the return of this army to England is to be dreaded by the peaceable inhabitants, and will occasion a prodigious increase of business for Sir J. Fielding and Jack Ketch. I am sure the office of the latter can never find more deserving objects for its exercise.*"

See further on this topic 8 Penn. Mag. of Am. Hist., etc. (part 1), 428.

Horace Walpole thus reports Burke's speech on Burgoyne's appeal to the Indians to come in as auxiliaries:

"He (Burgoyne) exhorted them (the Indians), by the dictates of *our* holy religion and by their reverence for *our* constitution, to repair to his majesty's standard. 'Where was that?' said Burke. 'On board Lord Dunmore's ship.' And he exhorted them (I suppose by the same divine and human laws) not to touch the hair of the head of man, woman, or child while living, though he was willing to deal with them for scalps of the dead, being a nice and distinguished judge between the scalp taken from a dead person and the head of a person that dies of being scalped. 'Let us state this Christian exhortation and Christian injunction,' said Burke, 'by a more family picture. Suppose there was a riot on Tower Hill, what would the Keeper of his Majesty's Lions do? Would he not fling open the dens of the wild beasts and then address them thus: "My gentle lions, my humane bears, my sentimental wolves, my tender-hearted hyenas, go forth; but I exhort you, as ye are Christians and members of a civilized society, to take care not to harm a woman or child!"'" This speech, according to Walpole, was "wonderful; his wit made North, Rigby, and ministers laugh; his pathos drew tears down Barré's cheeks." (Walpole to Mason, February 12, 1776, 7 Cunningham's Walpole, 29.)

In Walsh's Appeal Chatham's speech is thus reported:

"It will be at once understood that I mean the employment of the savages as aux-

or libraries or schools to be ruthlessly burned; no accumulation of stores on which women and children depended to be destroyed.*

Dissoluteness and levity.

§ 23. The high authority of Judge Thomas Jones, as the historian of the British occupation of New York, was noticed in the last section. His characterization of the dissoluteness that pervaded the British occupancy of New York is too minute in its coarse and shocking details to be here reproduced,

iliaries; an enormity of rancor and desperate ambition which drew down those blasting thunders from the genius Chatham, that seem to be still heard when we look at the faint image of them conveyed in the parliamentary history. Two years after the commencement of the Revolution had this prophetic and generous spirit to tell his countrymen in an agony of shame and grief, 'It is not a wild and lawless banditti whom we oppose; the resistance of America is the struggle of free and virtuous patriots.' The cruelty and degeneracy of associating to the British arms the *tomahawk* and *scalping-knife;* of 'trafficking at the shambles of every German despot'—for the purpose of crushing that resistance, of butchering a people chiefly descended from British loins, and from whose labors Britain had reaped so rich a harvest of power and glory, might well produce the 'sanctified frenzy' to which he was wrought. But he recollected, besides, how long that people had struggled with 'the merciless Indian' for the possession of the soil on which they had reared English communities and institutions, and he felt, in seeing the same inveterate enemy led back upon them by the country for whose benefit nearly as much as their own they had fought so bravely and bled so profusely, the peculiar hardship and bitterness of their lot and the unparalleled barbarity and callousness of England. There was enough to rouse all the energies of his humanity and his patriotism in the item which the treasury accounts presented of £160,000 sterling for the purchase of warlike accouterments for the savages; in that phrase, as ridiculous as it was ferocious, of Burgoyne's speech to the congress of Indians at the river Boquet (June 21, 1777), 'Go forth in the might of your valor and your cause; strike at the common enemies of Great Britain and America, disturbers of public order, peace, and happiness; destroyers of commerce; parricides of the state;' and in the proclamation of Governor Tonyn, of East Florida, offering a reward for every American scalp delivered to persons appointed to receive them." (Walsh's Appeal, part i, § vi, p. 196.)

* It was said by Mr. Gladstone, in speaking of the Bulgarian atrocities, "that it is monstrous to place on the same footing the cruelties of the oppressed and the cruelties of the oppressor;" and this distinction, whatever may have been the case at the close of the revolutionary war, when the belligerents stood somewhat on an equality, applies in full force to the plan of the campaign as directed by George III. It was in accordance with that plan that Indians were employed to devastate and to assassinate without regard to sex or age; that foreign mercenaries were brought to the field not from patriotic or loyal motives, but for money; and that Americans were by royal direction "distressed" by secret military excursions to plunder and burn up defenseless villages.

As an illustration of a very different spirit on the American side may be given the following letter from Paul Jones to Lady Selkirk, dated March 1, 1780 (Cong. Library MSS.):

"I have now the satisfaction to inform you that Congress has relinquished their real or supposed interest in the plate, and for my own part I scorn to add to my fortune by such an acquisition. As for the part claimed by the few men who landed with me at St. Mary's Isle, it is of little consequence, and they are already satisfied. Thus you see, madam, that the earl's objection is removed. The plate is lodged now in the hands of Messrs. Gourlade Moylan, who hold it at your disposal."

but affording as it does an unquestionably accurate description by an intelligent and conscientious eye-witness of the outrages of that occupancy, it gives the historical critic material to elucidate allusions and appeals in our diplomatic correspondence which otherwise would be inexplicable,* throwing light on the apparent harshness of Washington and of Congress in the cases of André and of Asgill, the austerity of Washington's bearing in his intercourse with emissaries from the British headquarters, and the Puritan tone of some of the public documents of the day, reminding us of that of the leaders of the English revolution of 1640, who felt that their revolt was as much against a dissolute court as against a tyrannical prince. Of the strength of this reprobation we have a curious illustration in a letter of Gerard to Vergennes, dated at Philadelphia on August 24, 1778,† in which, according to Doniol, "on the occasion of a banquet which Gerard gave to Congress on the festival of St. Louis, in return for one which Congress had given to him, the whole of that body was assembled at his house, and was enthusiastically celebrating his majesty's anniversary. He wished to conclude the evening with a ball, but he was informed that he would oblige them by giving up his intention, as it was desired to 'establish a strict line of demarkation between the whigs and the tories, especially between the women,' and they brought forward as a final objection a law which had been passed at the suggestion of the Presbyterians, at the beginning of the revolt, to prohibit public amusements, in order to obtain the protection of Heaven."

The letters of Richard Henry Lee and of Samuel Adams, the former of whom at least was no "Presbyterian," teem with denunciations of the examples of gross immorality thus set in our great cities, viewing such conduct as an additional reason for the pursuance of that "root and branch" system which those eminent revolutionists advocated; and even Franklin, careless Gallio as they held him to be, more than once appeals to British licentiousness in New York and Philadelphia not merely as a reason for totally casting off the British yoke, but as a warning to ourselves of the consequences of thus indulging in a licentiousness which enervates those yielding to it, while it repels all others. As showing the popular verdict, Richard Henry Lee, in one of his letters written immediately after the British evacuation, mentions that in a procession gotten up to commemorate that deliverance one of the conspicuous objects was a gigantic effigy, dressed up to parody, by absurdness and impudence of costume, the mistresses to whom the British generals were said to have devoted themselves, and who was in this attire and with other emblems denoting profligacy and rapacity pa-

* See 1 Jones' History of New York, 171, 176, 189, 253, 351; 2 *id.*, 57, 87, 423. The same infamous scenes were exhibited in Philadelphia, where Howe passed the winter, "corrupting his own army by his example of licentiousness and teaching the younger officers to ruin themselves by gaming." (10 Bancroft's United States, 12.)

† Doniol, iii, 396.

raded before the town. When we recollect that similar caricatures were paraded in England and Scotland during the great Puritan reactions, we may condone the coarseness of this Philadelphia parade of 1778. And when we recur to Judge Jones' pages it is impossible not to see that the profligacy the Philadelphia procession parodied was worse than even the worst profligacy of the Stuarts.

When Franklin was told that Sir William Howe had taken Philadelphia, his answer was that it was more likely that Philadelphia had taken Sir William Howe. There can be now no question that the stay of the British army in Philadelphia in the winter and spring of 1778 was damaging to the British cause. During this occupation seven hundred of the private soldiers deserted; while the conduct of the officers was marked by a luxury in singular contrast with the stern endurance of excessive hardships shown by Washington and those who served under him at Valley Forge. The effect of the contrast on men of generous spirit must have been very great. The same volume of the London Annual Register which gives the account of the British retreat from Philadelphia contains a letter from "an officer at Philadelphia," dated May 23, 1778, narrating the particulars of the "Mischianza" exhibited in Philadelphia at the departure of General Howe.* This was a sort of tournament, "according to the customs and ordinances of ancient chivalry," in which the "General and Admiral" took part, and in which the principal male actors were "knights dressed in ancient habits of white and red silk, and mounted on gray horses, richly caparisoned in trappings of the colors," attended by their esquires on foot. As chief of the "knights" appeared Lord Cathcart, attended by two young black slaves, with sashes and drawers of blue and white silk, wearing large silver clasps round their necks and arms, their breasts and shoulders bare. Then came six knights, one of whom, Captain André, was the designer of the pageant, and left some lively sketches commemorating it. The tournament was for the purpose of determining the claims of "the ladies of the Blended Rose and the ladies of the Burning Mountain" for superior charms. There were many "flourishes of trumpets" and "galloping of steeds," and rockets, and plumes of feathers; yet on those who had gazed on exhibitions under more gorgeous and sumptuous auspices the scene must have somewhat palled. The house which was selected as the site of the indoor dancing was the old Wharton mansion, whose Quaker master, with his family, was unceremoniously ejected to make room for the display. The Quakers, who formed a large and influential portion of the population of the city, and who heretofore had inclined towards the crown, were not a little shocked at such frivolity at such a crisis, whose momentous solemnity most of them, embracing some of the principal capitalists of the city, well knew. Old loyalists, who had been trained in England or in

* See 4 Mag. of Amer. History, etc., 200; Arnold's Life of B. Arnold, 224.

English ways, shuddered at the spectacle, on account not only of its tawdriness, but of its unsuitableness at such a period and in such conditions. The respect felt for British arms would not have been heightened among such observers by the spectacle of the employment of those arms, not against Washington's besieging army, but in deciding in sham fights whether the ladies of the Burning Mountain were more beautiful than the ladies of the Blended Rose. The contrast between Washington's besieging army, enduring in that bitter winter hardships in its huts, and Howe's army, dissolved in dissolute frivolity in the city, was not unlike that between Hogarth's industrious and idle apprentices, and with analogous incidents. It is not strange that after this exhibition respect for the revolutionary cause increased as that for Britain diminished.* Serious and patriotic men (and such men composed a large and influential proportion of the population of the Colonies) could not but feel that as between the spirit of Philadelphia and that of Valley Forge in

* A bitter loyalist attack on the Mischianza will be found in the London Chronicle for July 17–20, 1779. It was "nauseous." "Cleopatra" herself presided over the frivolous nymphs and the no less frivolous heroes, and "all this medley of a triumph was made in honor of a never-conquering hero upon his losing" a large part of the British possessions.

Lord (Admiral) Howe's biographer speaks of the Mischianza in terms which would show that British critics were not insensible of the absurdity and inappropriateness of the performance. It is called* a "silly exhibition," and we are told that it was abused and happily ridiculed by that vagabond Paine as follows: "He [General Howe] bounces off with his bombs and burning hearts set upon the pillars of his triumphal arch, which, at the proper time of the show, burst out in a shower of squibs and crackers and other fire-works to the delectable amusement of" certain young ladies named by Paine. (Barrows' Life of Howe, 115.)

Judge Jones, a strong loyalist, in his History of New York (1, 251 and 261), scowls at the Mischianza as a ridiculous farce, shocking at such a crisis.

In Boston Sir William Howe's life was as scandalous as in Philadelphia and in New York, spending his time "at the faro table and the theater, and carrying on an *affaire d'amour* with a popular belle of the day;" so that in newspapers he became the Marc Antony whom a Boston Cleopatra betrayed. (Baxter's Digby's Journal, 155.)

In the London Chronicle for August 14–17, 1779, volume 2, page 259, a supposed epitaph on Howe is given, in which is the following:

"A boundless rapacity allured him to so atrocious a system of refined and deliberate treachery, ever dreading the glory of victory and of conquest as tending to shorten the period of the war and to withdraw him from the embezzlement of the public treasure. Thus, a parricide to his country, he was moreover distinguished in the features of his private character, for the uniform dissoluteness of his conduct demonstrated his degradation."

The paper in which this appears was the channel in which the refugees frequently put forth their views.

Sir William Howe, we are again told (London Chronicle, August 24–26, 1779), "preferred," at the critical campaign of June, 1778, "the pleasures of indolence and dissipation to a discharge of his duty to his country." The indifference of the ministry to appeals of this character, coming from loyalists of standing, can only be explained by taking into account the toleration then shown to moral taints in public men such as would not now be condoned, and which place Howe in such marked contrast with such succeeding British generals as Havelock and Raglan. A ministry

that memorable winter, their lot, whatever might have been their previous predilections, was to be with Valley Forge. And to men of enthusiasm who entered into the contest, as did La Fayette, acquainted with the hollowness even of spectacles far more gorgeous than those of the Mischianza, Valley Forge exhibited the character of Washington and the cause he led, in a grandeur which drew from them veneration, zeal, and devotion.

What followed increased this feeling. The Delaware River, down which had floated the gaily-dressed vessels of the Mischianza, boisterous with revelry, was in a few days to witness the same vessels, their finery stripped off, carrying to the Jerseys not only the British army retreating before the gaunt and haggard troops which had been encamped at Valley Forge, but a crowd of refugees who had been lured by British promises to accept British protection and British allegiance in Phil-

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which had Germain and Sandwich among its leaders would see nothing in itself censurable in the dissoluteness of Howe. Yet this dissoluteness, the example of which Howe set and the ostentatious spread of which he encouraged, was as much an element in the revolt of men of sobriety and religious earnestness in 1776–'79 as was the dissoluteness of Buckingham and his associates an element in the revolt of men of the same class in 1626. As in some degree explaining Howe's ostentation of immorality and the partiality shown him and his brother by George III, we may recollect that the grandmother of the Howes was the Baroness Kilmansegge, the mistress of George I.

In a very powerful article in the Caledonian Mercury, republished in the Pennsylvania Gazette of June 9, 1779, Howe's campaigns are said to be marked by "delay without prudence and success without advantage;" and the cause of his failure is directly charged to the gaming-table and to the sexual excesses in which he indulged. These, coupled with the frivolity of the Mischianza, are used as an appeal not merely for Howe's disgrace, but for the discontinuance of a war to which such infamous misconduct seemed incidental.

A strong and coarse statement of Howe's indolence and licentiousness, as destroying his military activity, is made by General Charles Lee, in his letter of June 4, 1778, to "Rush," as published in Charles Lee's Memoirs, London, 1792, 424. The copy I have before me came from the library of General Sir H. Clinton, whose marginal notes are placed against the passages from which he dissented. To this passage there is no expression of dissent attached.

Of Burgoyne, Madame Riedesel, whose opportunities of observation as wife of a German officer of the highest rank were great, and whose accuracy can not be disputed, thus writes:

"He spent half the nights [of his campaign of 1777] in singing and drinking and amusing himself with the wife of a commissary, who was his mistress, and who, as well as he, loved champagne." (See, for other references on this point, Baxter's Digby's Journal, 42.)

In an intercepted letter from Earl Percy to Sir Henry Clinton, dated February 28, 1781, after speaking of the irresolution of the ministry and its want of wisdom and energy, he says:

"Thus we seem by some fatality or other always to mistime every operation. Indeed, notwithstanding our situation is so critical a one, we seem to interest ourselves much more about the fate of a French dancer than the fate of this country." (MSS., Department of State.)

As to the example set by Sandwich, who was at the head of the navy, see *infra*, § 27, note.

adelphia, and who now, to the number of several thousand, found themselves, as we will see in the next section, driven by fear to fly from the city into desolate exile.

Shortly afterwards occurred in Philadelphia the reception by Congress, returned from York to its old seat, of the envoy of France, bringing with him pledges of a French alliance; and in a few days came the bloody battle of Monmouth, where Washington's soldiers from Valley Forge waged, with numbers and equipments against them, at least an equal battle with the British army on its retreat from Philadelphia to New York.

What was exhibited in Philadelphia during British occupation was exhibited in New York, in Boston, in Charleston, under similar conditions. If we study Rivington's Gazette, as issued when the British were in New York, we can not but be amazed at the levity and the heartlessness it exhibits on the part of the occupying forces. There is not one word showing a sense of the gravity of the position of the troops there encamped. There is not one word of consciousness of the cruelty of the predatory piratical incursions made under the British flag on the undefended villages of the adjacent coasts. Of war intelligence there is but little, and even Cornwallis' surrender is introduced as an ordinary news item not requiring comment. But there is an immense amount of literary persiflage in prose and in poetry; there are many "intercepted letters," some of them obviously forged, some of them feeble parodies; while the political contributions consist mainly of attacks, somewhat foreshadowing the "Anti-Jacobin," on American courage and American character, such as the "dream" of André, noticed in a prior section. If we turn from the literary and political portions of the paper to its social, we find the same course run as in Philadelphia: festivity after festivity; reports of theatrical entertainments and masques following each other in rapid succession; the British garrison contributing the principal heroes to these performances. On went these orgies even when Cornwallis' weary army was toiling upwards to Yorktown, there to capitulate; and so things continued as long as the British troops were in New York. And these scenes closed, as we will next see, with a final abandonment of New York loyalists, which was the last touch that dissolved whatever colonial attachment remained from England in the New World to England in the Old.*

* In a manuscript letter from John Adams to J. F. Watson, of August 21, 1818 (Dreer Collection), we have the following:

"If you suppose the British were influenced by any 'motives of conciliation,' you have been grossly deceived. They never manifested any such motives through the whole history of this country for two hundred years. They ever felt 'a most sovereign contempt for us' as Puritans, dissenters, schismatics, convicts, redemptionists; as Irish, Scotch, German, Dutch, and Swedes, more than a century before they had a color or pretext to call us rebels."

Abandonment of loyalists.

§ 24. When General Gage took possession of Boston he promised protection to all subjects who would place themselves within his lines. Multitudes did so, trusting this pledge, who, when Boston was evacuated, were driven back from the ships which carried off the troops and certain favored individuals; and even those who had the privilege of being shipped to Halifax found themselves thrown penniless on strange shores, where they became dependent on a population in itself singularly poor and on a soil singularly inhospitable.

At the very moment of the extravagancies of the Mischianza, when British officers were lavishing their theatrical hospitalities on "loyalists," and promising perpetual protection to the city under the royal arms, a flight from Philadelphia was in preparation. Suddenly, in one week after the festival, it was made known that the British army was about to leave to its fate the population from which it had forced allegiance under promise of protection, and to particularly expose to the not unnatural displeasure of the republic the very class whom it had made conspicuous by these festive extravagancies. The panic was such that, according to British authority, no less than three thousand of the inhabitants fled with the British army.* The Earl of Carlisle, one of the British commissioners of 1778, thus writes to George Selwyn, in a letter dated Philadelphia, Wednesday, June 10:

"We arrived at this place, after a voyage of six weeks, on Saturday last, and found everything here in great confusion; the army upon the point of leaving the town, and about three thousand of the miserable inhabitants embarked on board our ships, to convey them from a place where they conceived they would receive no mercy from those who will take possession after us, *to follow the army, and starve when we can no longer continue to feed them.*" (3 Selwyn and His Cotemporaries, 280.)

"It appears," said Mrs. Eden, wife of another of the British commissioners, in a letter of June 15, 1778, "a most melancholy thing to desert this large city. * * * Imagine this river covered with vessels in full sail, as thick as possible, crowded with people leaving the city where they have been born and bred; flying from an enemy—which enemy may consist of relations and friends—leaving their whole property and all their fortunes but what they can carry with them. It is indeed a most terrible scene."†

An equally flagrant instance of such desertion was that which marked the southern campaigns of 1781–'82. It was well known that there were certain portions of the population of North and South Carolina which were more or less averse to the Revolution, and which would, if duly assured of protection, submit without murmur to the British sway. Glowing proclamations were issued to them, and many submitted and bore arms, they being told this was for local defense. But hardly were they thus committed when, under the stress of some sudden attack

* 4 Lecky's History of England, 90. See also Livingston to Franklin, Dec. 16, 1781; Franklin to Adams, Oct. 26, 1781.

† Hugh Elliott's Life, 177.

devised by the genius of Marion, of Sumter or of Greene, the British troops hurried off to less exposed fields, leaving these new recruits to the not unnatural displeasure of their more patriotic fellow-countrymen. They might put themselves right, it is true, by enlisting in the American army, but then the British troops might return, and then, as was sometimes the case, hang as deserters the unhappy victims of their bad faith. The effect of this was, that even in those regions which had been best affected to Britain, Cornwallis on his last march found that the supposed loyalists fled from him with scowls.

Then came the capitulation of Yorktown, whose terms were such as to destroy whatever remained of confidence in the capacity of Britain to protect American loyalists. Of Cornwallis' abandonment of the loyalists within his lines Horace Walpole thus speaks:

"He certainly ought, on the refusal of the tenth article [giving such protection], to have declared that he would die rather than sacrifice the poor Americans who had followed him from loyalty against their countrymen; he should have tried whether that would not have softened the enemy. At last, even if his army had surrendered themselves, he might have refused to sign the articles. There have been such instances. On the contrary, he stipulated for his own leave to return home and abandoned those deluded troops. It has been justly said that, having capitulated for his garrison, the American troops were included, and to put them to death would have been a breach of the articles. To this it was answered that perhaps the Americans, doubting their countrymen, had desired to be specified. I should scarce think they desired him to make use of the word *punished*. Still, when he had been refused, he ought to have struggled for them to the last moment. He or Lord Rawdon had set an example of such cruel warfare—had just hanged an American officer that had deserted them; and the American General Greene had recently published a proclamation in which he declared he would retaliate not on American but on English officers; but the latter Lord Cornwallis secured. This sacrifice was severely handled, too, by Mr. Burke and Mr. William Pitt in the House of Commons. *It was a virtual end to the war.* Could one American, unless those shut up in New York and Charlestown, even out of prudence and self-preservation, declare for England, by whose general they were so unfeelingly abandoned?"*

Of the terms of Cornwallis' surrender Horace Walpole writes to Mason, under date of November 28, 1781:

"You may be unused to horrors, yet if you have read the tenth article of Lord Cornwallis' capitulation your feelings will bleed afresh. He capitulates for his own person and return; he capitulates for his garrison; but lest the loyal Americans who had followed him should be included in that indemnity, he demands that they should not be *punished*, is refused, and leaves them to be hanged. *Now his burning towns, etc., becomes a mere wantonness of war;* they were the towns of those whom he called rebels, though he was one of the five who protested against the stamp act. But these were his friends, his fellow soldiers! Could I fill these pages more with news I would not. What article would deserve to be coupled with so abominable a deed?"†

"That fatal day when I left home;" "all that I desire is to return and lay my bones in that dear soil;" "I am not welcome here." Expressions such as these occur constantly in refugee correspondence. Britain may not have been to blame for not keeping promises the per-

* Walpole's George III, 475. † 8 Cunningham's Walpole, 118.

formance of which became impossible; but her abandonment of those who acted on her pledges was one of the main causes why, in the fall of 1782, there was no loyalist party left in the United States. And it must also be remembered, when discussing the merits of the case, that when full compensation to these abandoned loyalists was suggested by Franklin as the price of the cession of Canada, this cession, though at first regarded favorably by Shelburne, was considered ultimately inadmissible by his associates. The opportunity to Britain of thus redeeming her pledges of protection was then lost.*

Growth of affection to France.

§ 25. By almost the entire population of the thirteen Colonies France, before the Revolution, was regarded with aversion. To the Puritan the religion of France was detestable, and this detestation was not lessened by the campaigns which New and Old England conducted together against Canada, and in which the hardness of French-Indian warfare was the theme of denunciation for years in almost every Puritan household. The Huguenot, whose influence in several of the Colonies was great, had his own reasons for utter political and personal hatred of the power by which he had been treated so ruthlessly. The Cavalier emigrants, in proportion to the intensity of their affection for England as their home, peculiarly shared the characteristic national dislike and contempt for their distinctive national adversary. Nothing illustrates more effectively the progress of alienation from England than the fact that at the close of 1775 leading men of all sections were looking forward to an alliance with France as one of the most effective modes of relief. Gradually this approach to France, which at first was one solely of policy, became, as the papers hereafter given will show, one of affection.

Of Washington's change of sentiment in this relation Guizot thus writes:

"It is the property of great men, even when they share the prejudices of their time and of their country, to know how to get free from them and how to rise superior to their natural habits of thought. It has been said that, as a matter of taste, Washington did not like France, and had no confidence in her; but his great and strong common sense had enlightened him as to the conditions of the contest he had entered upon. He knew it was a desperate one; he foresaw that it would be a long one; better than anybody he knew the weaknesses as well as the merits of the instruments which he had at disposal; he had learned to desire the alliance and the aid of France.

* Chief-Justice Oliver thus speaks, on May 3, 1776, of the condition of the refugees who, on the evacuation of Boston, were carried to Halifax and there left to shift for themselves:

"There was so great an addition to the inhabitants from the navy and army and refugees from Boston, which made the lodgings for them very scarce to be had, and many of them when procured, quite intolerable. Provisions were here as dear as in London. The rents of houses were extravagant, and the owners of them took all the advantages of the necessity of the times; so that I knew of three rooms in one house, which house could not cost £500 sterling, let for £250 sterling per year. Thus mankind prey upon each other." (2 Hutchinson's Memoirs, 49.)

She did not belie his hopes. At the very moment when Congress was refusing to enter into negotiations with Great Britain as long as a single English soldier remained on American soil, rejoicings and thanksgivings were everywhere throughout the thirteen Colonies greeting the news of the recognition by France of the independence of the United States. The treaties of alliance—a triumph of diplomatic ability on the part of Franklin—had been signed at Paris on the 6th of February, 1778."*

It does not follow from this change of sentiment that the ties which bound English colonists in America to the ancestry from which they sprang, with its literature, its religion, its invaluable institutions of personal liberty, were dissolved by the war. In some respects the war strengthened them; its disorders and desolateness showing their value. But as an ally faithful in her engagements to them in their distress, France as a nation won their affection in proportion as they lost their affection to the British crown.

Attitude to other European states.

§ 26. It has been already observed† that at the very outset of our diplomatic history, while it was maintained by John and Samuel Adams and the Lees, followed by a majority of Congress, that the proper course for the new republic to pursue was to send ministers to every foreign state, calling for recognition and aid, this was resisted by Franklin, who took the position that to send ministers to a foreign court without first knowing they would be received was inconsistent with diplomatic usage, would be detrimental to the dignity of the United States, and would probably repel rather than conciliate. Franklin, however, being in this matter overruled, ministers, as is elsewhere stated, were sent, only to be rebuffed, to the leading European courts; even recognition not being granted until required, as in the case of Spain and The Netherlands, by the exigencies of war, or, in the cases of other European sovereignties, by the prior recognition by the parent state.‡

*5 Guizot's History of France, 379. † *Infra*, § 15. ‡ *Supra*, § 19.

CHAPTER III.

ATTTIUDE OF GREAT BRITAIN TO THE UNITED STATES.

King and Parliament hostile, and yielding only to necessity.

§ 27. George III was the first British king of the Hanoverian line who was not obliged to go back to the whig revolution of 1688 for his title. When he ascended the throne there were no adverse claimants setting up against him superior "divine" right. The consequence was, that the tories as a body came over to his aid. There was much also in the tone and policy of the great revolutionary families, who had controlled affairs during the reign of his two predecessors, to draw popular support from the whigs, as well as to lead the king to look on them with disfavor. Aside from this, the strong will, the bigoted temper, the obstinate egotism, and the limited education of George III made him look with distrust upon free institutions; and his courage and obstinacy prompted him to resist to the utmost of his power a revolution which would, if successful, not only humiliate him, but dismember his empire. Nor was it strange that the two houses of Parliament should unite with the king in the determination not to concede to the Colonies the liberties they claimed. In the upper house the whig peers had lost, so far as concerned the maintenance of distinctively whig principles, their ascendency, and only a small minority supported the claims of the Colonies to relief from parliamentary taxation. A great majority of the House of Commons and of the constituencies which this house represented took the same view and sustained the king, and the king continued the war as long as it could be waged without ruin. He did so by sheer force of will, assisted by personal courage not unmixed with cunning. His correspondence with Lord North, as now published, shows how that intelligent though irresolute minister yielded his own judgment to his master's, and how by that master no propositions for conciliation were assented to until it was obvious they were too late. It was in vain that North endeavored to persuade his master that every incident of the war showed that if continued it would end in Britain's defeat; it was in vain that these views were sustained by Gower and by Dartmouth. North, always unwilling to offend, himself greatly indebted to the king's generosity for the building up of a private estate, shrank from bringing matters to a crisis by resigning, and in this way concessions were offered always too late, and forces were sent out which, though great, were always insufficient, until the surrender at

Yorktown left no other course open than the acknowledgment of the independence of the United States.

George III's retrospective view of the war may be gathered from the following extracts, heretofore unpublished, from his letters to Shelburne:

"I am sorry to have great reason to say that, from the beginning of the American troubles to the retreat of Mr. Fox, this government has not taken any but precipitate steps, whilst caution and system have been used by the Americans, which is enough ground to explain the causes of the present differences of situations." (George III to Shelburne, Aug. 12, 1782, Bancroft MSS.)

He thus reconciled himself to the peace:

"I should be miserable indeed if I did not feel that no blame on that account can be laid at my door, and did I not know that knavery seems to be so much the striking feature of its inhabitants, that it may not in the end be an evil that they will become aliens to the kingdom." (Same to same, Nov. 10, 1782, *id.*)

A curious illustration of the opposition to George III in his own family is thus noticed by Dr. C. J. Stillé in his Monograph on Count Broglie, published in the Pennsylvania Magazine of History, January, 1888:

"The marshal [Broglie] was appointed governor of the three bishoprics of Metz, Toûl, and Verdun, and during his absence from his post his place was filled *ad interim* by the count. It was while he held this position, in 1775, that his name became connected with an event the influence of which proved momentous in our American revolutionary history. The Duke of Gloucester, the brother of George III, while traveling in France, was entertained at dinner by the count and the officers of the garrison at Metz. The conversation turned upon the American insurrection, as it was then called in France, which had just broken out. The duke, who, with his brother, the Duke of Cumberland, held very different opinions concerning the insurgents from those entertained by George III, did not hesitate to express his sympathy with the Americans, and explained their position. We know how the conversation at that dinner affected one of the guests, the young Marquis de La Fayette; and it would not, perhaps, be going too far to say that it planted in the mind of the Count de Broglie the germ of that idea which grew in time to a stadtholderate as the best means of aiding us in our struggle."*

* As to Broglie, see *infra*, § 76. Hume, though a doctrinaire tory, was even at the outset a disbeliever in the policy of attempting the forcible subjugation of America. In a letter to Strahan, then a member of Parliament, of October 26, 1775, he argued in favor of abandoning the attempt. To do this at that time, he said, "only anticipates the necessary course of events a few years; that a forced and every-day precarious monopoly of about £600,000 or £700,000 a year of manufactures was not worth contending for; that we should preserve the greater part of this trade, even if the ports of America were open to all nations; that it was very likely, in our method of proceeding, that we should be disappointed in our scheme of conquering the Colonies; and that we ought to think beforehand how we were to govern them after they were conquered. Arbitrary power can extend its oppressive arm to the antipodes, but a limited government can never be long upheld at a distance, even where no disgusts have intervened, much less where such violent animosities have taken place. We must, therefore, annul all the charters, abolish every democratical power in every colony, repeal the habeas corpus act with regard to them, invest every governor with full discretionary or arbitrary powers, confiscate the estates of the chief planters, and hang three-fourths of their clergy. To execute such acts of destructive violence twenty thousand men will

Diplomacy of refugees.

§ 28. The American refugees in England during the Revolution fall into two classes. There were those—such as Curwen and Shoemaker—who went there under the stress of a double allegiance, as they conceived it, to wait in retirement the result of a war as to which, if they had remained at home, they would have been forced to have taken sides. There were those, on the other hand, who went to England as the champions of the royal cause in America, driven from America because of their devotion to this cause, appearing before Throne and Parliament as its diplomatic represent-

not be sufficient, nor thirty thousand to maintain them in so wide and disjointed a territory. And who are to pay so great an army? The colonists can not at any time, much less after reducing them to such a state of desolation. We ought not, and indeed can not, in the overloaded or rather overwhelmed and totally ruined state of our finances." (Hume's Letters to Strahan (Oxford, 1888), 288.)

Lord George Germain, afterwards Viscount Sackville, to whom, as colonial secretary under Lord North, was intrusted the management of British interests in America for seven years, was the second son of the first Duke of Dorset. He was born in 1716, and in 1759 commanded, without much credit to himself, the British and Hanoverian cavalry at the battle of Minden. Tried by court-martial, he was convicted of cowardice in the action, dismissed the service, and stricken from the list of privy councilors. He subsequently entered Parliament, where his energy and oratorical gifts gave him much influence, and by a duel he invited, on his courage being assailed, he to some extent recovered himself from the stain he received at Minden. In 1775, in his sixtieth year, he became colonial secretary, when he took the lead in the debates on the American war. In this position he bore the chief brunt of the attacks of the whig opposition. 'I am glad,' said Lord North to Fox, after one of these encounters, 'that you have left off attacking an old hulk like myself, and that to-day, when you were in fine feather, you fell upon a man-of-war. However equivocal the last words of this congratulation may have been, there is no doubt that Germain was, what North was not, in earnest in the war and sanguine of victory, until the battle of Yorktown made him give up hope. A singular episode in Germain's history was his extraordinary intimacy with Benjamin Thompson (afterwards Count Rumford), who was for a time his private secretary, to whom his most secret counsels seem to have been imparted. As to the nature of this intimacy there was much talk, and the worst construction of it was suggested by Hutchinson, in his memoirs, (ii, 289, 337, and by Shelburne, in a sketch of Germain, left in manuscript among the Lansdowne papers. [This passage was suppressed when the sketch was afterwards published in Shelburne's Life, by Fitzmaurice.] The allusions by Hutchinson may perhaps be explained by the hypothesis that Thompson, who was born and educated in Massachusetts, communicated to American agents in London some of the secrets with which he was charged. Thompson's career was singularly versatile, and more than once during it was he suspected of political double-dealing. (See Ellis' Life of Thompson.) Towards the close of North's ministry Lord Germain was created Viscount Sackville. An animated protest was made against this act by leading whig peers. He died in 1785. Of his last days a curious account is given in Cumberland's memoirs.

In the London Morning Post for June 7, 1781, is the following:

"It is said that Mr. Thompson, secretary to Lord George Germain, is about raising a regiment of horse, of which he is to be made colonel as soon as it is completed, and immediately to go to America. Who can believe it?" There is no clew given as to the disqualifications which the four last words hint.

In Shelburne's manuscript notes on Germain (see 1 Shelburne's Life, 358) it is stated that the omission, in the British colonial office, to forward an alleged instruction from

atives, presenting its interests as fairly as they could, when we take into consideration that prominent among these interests were their restoration to office and their recovery of their estates. As the leading representative of the latter class may be considered Thomas Hutchinson, royalist governor of Massachusetts, whose remarkable diary has lately been given to the press with a candor and fullness for which its editor deserves great credit.* Hutchinson, driven from Massachusetts

Germain to Howe to join Burgoyne on the Hudson was due to Germain's culpable negligence in postponing the signature of the instruction until it was mislaid.

"It might appear incredible if his own secretary and the most respectable persons in office had not assured me of the fact; what corroborates it is that it can be accounted for in no other way." The instruction was found in Germain's office after Burgoyne's surrender. (Fonblanque's Burgoyne, 233; 1 Jones' History of New York, 696.)

"But though this particular instruction may have been thus lost, yet the general tenor of other instructions in Howe's hands were such as to impose on him the duty which this lost paper specifically enforced." (See Burgoyne's "Narrative," where this is urged.)

Fox, in a speech, in the House of Commons, on May 3, 1779 (20 Parliamentary Register, 735), seems to have had this neglect of duty in mind:

"Instead of being in town when effective measures, directed to vigorous exertions and a proper employment of our national strength and resources, ought steadily to engage their attention, the two noble lords (North and Germain) and the rest of their brethren in the cabinet will fly from the fatigues of their office; they will be amusing themselves at their country seats for weeks, perhaps months, together, and the great business of the nation will be left to the care of a few clerks in office; or if they should in their respective retreats turn their attention at all to public affairs, it will be only to devise means not for the defeat of their enemies, but to defeat inquiries into their blunders, incapacity, and neglect in Parliament."

Of Lord Sandwich, "first lord of the admiralty," Hume, in a letter to Strahan, of May 10, 1776, thus writes:

"When we passed by Spine Hill, near Newbury, we found in the inn Lord Denbigh, who was an acquaintance of my fellow-traveler. His lordship informed me that he, Lord Sandwich, Lord Mulgrave, Mr. Banks, and two or three ladies of pleasure had passed five or six days there, and intended to pass all this week and the next in the same place; that their chief object was to enjoy the trouting season; that they had been very successful; that Lord Sandwich, in particular, had caught trout near 20 inches long, which gave him incredible satisfaction. * * * I do not remember in all my little or great knowledge of history (according as you and Dr. Johnson can settle between you the degrees of my knowledge) such another instance, and I am sure such a one does not exist; that the first lord of the admiralty, who is absolute and uncontrolled master in his department, should, at a time when the fate of the British Empire is in dependence, and in dependence on him, find so much leisure, tranquillity, presence of mind, and magnanimity as to have amusement in trouting during three weeks nearly sixty miles from the scene of business and during the most critical season of the year. There needs but this single fact to decide the fate of the nation. *What an ornament would it be in a future history to open the glorious events of the ensuing year with the narrative of so singular an incident.*" (Hume's Letters to Strahan (Oxford, 1888), 324.)

That Hume should not have noticed as another ominous incident the character of the companions Sandwich took with him when trouting may illustrate a similar public indifference to the dissoluteness of the orgies of Howe, already noticed.

* Diary and Letters of Thomas Hutchinson, by Peter Orlando Hutchinson, London; vol. i, 1883; vol. ii, 1886.

by the revolutionary leaders, arrived in London, on the last day of June, 1774. It shows how important a person he then was in the eye of king and of ministry, and how eager they were to obtain his views, that on the day of his arrival he "received a card from Lord Dartmouth, desiring to see me at his house before 1 o'clock," and that by Dartmouth he was carried "immediately to the king," though he was not "dressed as expecting to go to court." A long conversation ensued. At its outset, certain letters, approving of Hutchinson's course being produced, the king said to Dartmouth, "I do not see how it could be otherwise. I am sure his (Hutchinson's) conduct has been universally approved of here by people of all parties." There was then some conversation about the letters, the disclosure of which, through Franklin's agency, had lately brought so much odium on Hutchinson, and then came the following:

"K. Where is Dr. F., my lord?

"LORD D. I believe, sir, he is in town. He was going to America, but I fancy he is not gone.

"K. I heard he was going to Switzerland or to some part of the continent.

"LORD D. I think, sir, there has been such a report.

"K. In such abuse, Mr. H., as you met with, I suppose there must have been personal malevolence as well as party rage?"

Some gossiping talk followed about Hancock, Cushing, and Samuel Adams. Then came a statement somewhat singular, when we remember that Hutchinson was a leading deacon in the Congregational Church:

"K. I have heard, Mr. H., that your ministers preach that, for the sake of promoting liberty or the public good, any immorality or less evil may be tolerated.

"H. I don't know, sir, that such doctrine has ever been preached from the pulpit, but *I have no doubt that it has been publicly asserted by some of the heads of the party, who call themselves sober men, that the good of the public is above all other considerations, and that truth may be dispensed with and immorality is excusable when this great good can be obtained by such means.*"

This extraordinary announcement, tending to show that it was a moral as well as a political duty to put down the insurgents, was followed by rambling talk on dissent in general and on the different kinds of dissenters. Then came an interlude on climate, and on grains, grazing, and Indians. "The king was particular in many other inquiries relative to my administration, to the state of the province, and the other colonies. I have minuted what remained the clearest in my mind, and as near the order in which they passed as I am able. He asked also what part of my family I brought with me and what I left behind, and at length advised me to keep house a few days for the recovery of my health. I then withdrew. I was near two hours in the K.'s closet. Lord D. feared I was tired so long standing." This was not unnatural in Lord D., considering Hutchinson's exhaustion when he arrived. But he was more cheerful under the infliction than Miss Burney, when put to similar torture. "I observed that so gracious a reception made me

insensible of it" (the fatigue). The salient feature of the interview consisted in Hutchinson's statement that even the "sober" part of the insurgents held that truth and morality were to be subordinated to their notion of public good.*

Several letters written by him within the next fortnight are given, specifying the attentions paid him by men of rank, political or social. To them, as well as to his correspondents in America, he declared that he considered the Boston port bill as a necessity, but that, on a rescinding by the provincial legislature of their offensive action and a proper submission to crown and Parliament, necessity, he believed, would cease to call for such stringent discipline. When, on July 7, he had an interview with Lord North, it was to hear, and without anything more than a feeble dissent, that the crown, as a further penalty on Massachusetts, was disposed to abrogate the provincial charter. It is due to Hutchinson, at the same time, to say that the terms of conciliation he proposed at this juncture were submission to Parliament with the understanding that the Boston port bill should be repealed and that the Colonies were not to be in future taxed without their consent. This was the diplomatic position of the refugees in 1774 and 1775, at a time when, had they succeeded in obtaining these terms from England, they could have returned to America as masters of the situation, recognized on both sides of the water as the restorers of peace and the framers of a system which would secure local government while acknowledging the nominal supremacy of the British Parliament.

But refugee diplomacy of 1774–'75, when, if successful, the American negotiators could have returned on the top of the liberal wave, was a very different thing from refugee diplomacy in 1777–'81, when, through British misconduct, as heretofore related, America was roused to an indignation which would tolerate no concessions short of independence. Independence would have destroyed the future of the refugees, of whom Hutchinson was the leading representative. The more intense became the antagonism of America, and particularly of Massachusetts, to the mother country, the less probable was his restoration to his high office, to his great possessions, to the home he so dearly loved. Hence it was that he and the ministry crossed each other on the conciliation question, going in opposite directions. When he proposed in 1774–'75 the compromise of submission without taxation the government scouted at it, and when he thought the Boston port bill severe they thought it a proper method of discipline. But in 1777–'78, when the ministry proposed to repeal the port bill and to lay no more taxes if America would submit, he was overwhelmed with distress. Such a measure meant his exclusion from the soil to which he was tenderly attached and the af-

* Of this interview George III, in a note dated July 1, 1774, to Lord North, says: "Just seen Mr. Hutchinson, late governor of Massachusetts, and am now convinced they will submit. He owns the Boston port bill to have been the only wise and effectual method." (See 1 Brougham's Statesmen, etc., 85.)

firmance of the confiscation of his estates; for it was one of the most discreditable features of Lord North's compromise measure that it gave no protection to the loyalists who had made enormous sacrifices in the royal cause, but left them at the mercy of the provincial governments. It is the consciousness of this, coupled with a consciousness that king and courtiers who had welcomed him so conspicuously in 1774–'75, had begun to turn coldly from him, that makes his diary one of the saddest as well as most interesting that was ever written. He narrated conversation after conversation in which he drew from supporters of the ministry their doubts as to the North compromise, and then sought to confirm them in those doubts. Thus of Cornwall, speaker of the house, who, on January 31, 1778, mentioned what the proposal to the Colonies might be, he asked: "But to whom is this proposal to be made, or what security can be given for any compliance with it?" To another ministerialist, on February 13, he said that "all would be scouted and ridiculed." It was no satisfaction for him to hear in reply that "something must be done. The country party was going off; they had lost fifty members; they should not have a majority of twenty if something was not done." On the next day Hutchinson made the following entry:

"Tuesday, the 17th, is appointed for Lord North's plan to come before the house. He never was so much perplexed before, and his friends think he is making bad worse."

On the 17th he met Lord Hardwicke, and what Hutchinson either said or hinted we may gather from what he told us of Hardwicke, who, he said, "seems willing to give up all, but is confused in his notions of government, as every man must be when he departs from the fundamental principles and admits governed to be governors." With Lord Hillsborough he had a significant conversation on February 20, after Lord North's conciliatory bill had been offered:

"He (Hillsborough) agreed that all the best men in the kingdom were voting in Parliament for a measure they disapproved of. But one of the cabinet was in it; that was Lord Dartmouth. He did not know but Lord Weymouth might think less unfavorably than lord president, lord chancellor, lord Suffolk, and Lord Sandwich, who were utterly against it. I asked if the king did not countenance it? He thought the K. would never thwart his minister, and would rather, when dissatisfied, change him."

On the 20th he met Jenkinson (afterwards Lord Liverpool), "who is very silent, cold, and reserved; asked a question or two. He answered he had no hand in what was doing. It not being one of the *mollia tempora*, I withdrew. Everybody where I go is out of temper. What can be more unpleasant than to be obliged to vote for what they utterly disapproved?" And no doubt Hutchinson stimulated, as far as he prudently could, this ill-temper and disapproval. The day was over when he could be welcomed back to his beloved country as a messenger of peace. His only chance of restoration was by military force. Conciliation would make his enemies supreme. His cherished home at Milton,

the most beautiful country seat on the coast, his spacious Boston house, his position as governor, could now be restored for him only by such overwhelming military force as would desolate the land. His despair increased as time passed on, and as the want of permanent military success made the ministry more and more desirous of compromise. On April 4, 1778, he called again on Cornwall, "who I saw by his countenance to be engaged, and had only two or three words. I said I had no concern for myself, but I had no prospect for my children. He bid me not be concerned; government would not let them suffer. America, he said, was lost. Unnecessarily, I thought, given up. Most shamefully, he added."

On June 2 comes the following:

"The letters from New York lament the conciliatory measures, as they are called, fearing they will make the Americans more tenacious of their independence; speak of a treaty as a matter uncertain, but rather believe they will not come to it."

The "people in New York," that is to say, the loyalists who remained in the city after its capture by the British, therefore resisted, as did Hutchinson, "conciliation," embracing, as the measure did, opening of American ports, relief from British taxation, and local self-government. Whatever might have been their position in 1774 and 1775, in 1778 the only terms that would satisfy them would be such annihilation of the provincial governments as would restore them to colonial power and secure to them their confiscated estates. And it is an interesting fact that among those who called themselves subjects of George III none were at this time more discontented than these loyalists. Hutchinson was peculiarly favored by the crown. He had a large pension and several of his family were provided for. Yet on June 9, 1778, immediately after acknowledging having secured a salary for his brother, comes the following: "Everybody complains of the languor and inactivity in public affairs." His diary, after the first year of his residence, had been gradually losing that interest which is derived from intimacy with men of high political station. His old tory notion, it is true, that power, as he expressed it, was to come from governors to governed, and not from governed to governors, became even more intense, and his theoretical loyalty to the crown even more abject. But his idols were becoming personally sick of him and he personally tired of his idols. It is true that he assiduously attended the royal levees; that he loyally (on June 10, 1778) concurred in the king's remark that "some of the wickedness of the times went from hence to America;" and that when the king said, "They are a sad nest," he replied, "I hope, sir, they will be broken up in time." It is true also that afterwards (June 24, 1779), when the king dilated on the "wickedness" of the whig opposition, he replied, loyally enough, that he "detested them." But while humble subserviency was expected of him, his advice was no longer sought. He found himself no longer welcomed even by the king. He complained

that Lord North never approached him on the subject of those conciliation measures which, if successful, would have sacrificed himself and other refugees who had been banished and whose property had been seized. The inability of the ministers to crush the "rebellion" in America he attributed either to their folly or to the inefficiency of their subalterns. When Lord Hillsborough, to whose persuasions he attributed his acceptance of the Massachusetts governorship, listened coldly to his advice, he turned bitterly away, groaning over the ingratitude of men in power. On March 9, 1779, hearing of Lord Suffolk's death, he says: "He took great notice of me when I first came to England, but I have never yet met with any person who, when I asked anything for any of my family or friends, would make use of their influence in my behalf; which I attribute to a fear lest it be considered as a favor which, if granted at their request, would lessen their claims for themselves or some of their connections;" and then, as if pointing out the retribution on such nepotism, he added that "he left no children," and that the probability was that "the title would go to a very remote relation." "I never was more disordered in speaking to the king than to-day," so he writes on March 29, 1779; "and by his sudden turning and speaking to the next person I think he discovered it." No longer do we meet with notices of royal and ministerial honors conferred on him, though he continued to enjoy his large pension. We hear, indeed, of leading ministers, but it is in terms of reprobation; and what is told of them is matter of gossip—the profligacy of Lord Sandwich, the worse than profligacy of Lord George Germain. In the meantime the life of the weary exile was hastening to its close under shadows deepening each day. "Government," he exclaimed, on November 24, 1779, "has failed in all its measures, merely for want of fit officers to carry them into execution;" but for this improper selection of officers and its own temporising policy government was nevertheless to blame. Domestic troubles came in to further depress him. His married children came to him with their families for support, they deserting all they had in Boston for England, where they expected a sympathetic welcome, but where the only welcome they received, and that a sad one, was from him. His two younger children ("Peggy" and "Billy)," on whom his love seemed concentrated, died of consumption, he thought produced by the uncongenial climate. His great desire had been to be carried back to Boston, if not for death, at least for burial in the grave-yard where lay four generations of his ancestors. But this was denied him, and on June 3, 1780, he died in London, in part at least from a broken heart, and was laid next his daughter "Peggy," at the church at Croyden.

Franklin and Hutchinson were together in London for some months in 1774 and 1775, though without meeting. Each was at this time desirous of a reconciliation between the Colonies and the mother country. Each worked in his own fashion to bring about such a reconciliation as he

approved. Each had been a holder of high office under the British crown. But in one material point they differed. Franklin was leaving England for America because he was determined to cast his fortunes with America, her liberty being, as he considered, essential to her political existence. Hutchinson left America for England because he regarded British supremacy as essential even to America's prosperity. Franklin insisted on self-government for the Colonies, and if this could not be secured, on independence. Hutchinson abhorred this autonomy, which would be as destructive of his personal interests as of his political principles. Hence it was that their lines of action became more and more divergent. Hutchinson represented the diplomacy of retrogression and repression, the diplomacy of Strafford, which would coerce colonial dependence by blood. Franklin represented the diplomacy of progressive liberalism, of which colonial liberty, or, if not granted, colonial independence, was the primary requisite. The diplomacy of Franklin after 1776 was employed to obtain liberty and independence for America, which afterwards was to result in vastly increasing the resources of Britain. The diplomacy of Hutchinson was strained to destroy American liberty and independence, and in this to make America, to repeat again Chatham's words, the fit instrument to destroy British liberty.* And it is remarkable how, in Hutchinson's diplomatic efforts, as representing American loyalism, these objects converged. To put down the liberal opposition of England, which the king and he so cordially agreed to detest, was a work to be pursued with the same implacable thoroughness as was the putting down the revolutionary opposition in the United States.

Attempts to break the French alliance.

§ 29. When the alliance of 1778 between France and the United States became known, the first impulse in England was to declare war against France; the second, to separate the allies. To bring about this separation two courses were pursued. The first was sending appeals to America, to circulate which the device of "intercepted letters" was resorted to. Conspicuous among these were Deane's letters, which appeared, after his apostacy, in Riv-

* This was the general temper of the refugees of the tory stamp. Thus we have the following:

"Remonstrate loudly to those in authority against treating with Congress. Treating with them is establishing them. * * * Though we should even conquer the rebels, yet, if an accommodation is settled with the Congress, I shall consider the Colonies as eventually lost, and that in a little time, to Great Britain." (New York tory letter of May 14, 1779, in London Chronicle for July 3-6, 1779.)

Hutchinson's pension was £2,000. It was granted to him immediately on his arrival in England, and was to continue until he was able to resume his governorship. The largeness of this pension shows that the ministry regarded it as only temporary, and that they had no expectation of ultimate disaster, and no conception of the enormous claims to be subsequently brought against them by refugees.

As embodying Hutchinson's distinctive views, see address of American loyalists in London Morning Post, March 5, 1782, urging necessity of prosecuting the war till the rebellion be crushed.

ington's (Royal) Gazette, and which consisted chiefly in ingenious arguments to the disparagement of France and the praise of Britain as the true friend of the United States.* The second course followed was that of diplomatic efforts to induce France to desert the United States, the most conspicuous of which was the offer of Minorca to the Russian empress on condition that she, as mediator in the then proposed mediation, should persuade France to withdraw all her troops and ships from America.† Direct approaches also were made to bring about such a separation. There is now no doubt that Hartley's letters to Franklin on the superiority of an English to a French alliance were instigated by Lord North. Nor can there be now any doubt that Vergennes was informed from the same quarter that France could make easy terms if she would desert America.‡

Corruption; forgery.

§ 30. It was well enough that American refugees in England should have stipends allowed them; but when, a few weeks after his treachery, a letter of Arnold appeared in which he acknowledged having received £5,000;‖ when it became probable, as it is now proved, that secretaries in American legations were under British pay;¶ when to eminent revolutionists on both sides of the water intimations came that they would be well cared for if they should effect a compromise by which British sovereignty at least would be saved;** when, as we now know, enormous sums of British secret-service money were spent in diplomatic corruption; when Paris, to use

* See *infra*, §§ 29, 163.

† *Supra*, § 7. For attempts to draw France into separate peace, see Vergennes to Luzerne, March 23, 1782, translated in part in 8 Sparks' Washington, 294.

‡ Stormont, in his dispatches of July, 1777, dilates on his efforts to make Vergennes believe that Franklin was intriguing with England against the French ministry. (See 80 Sparks Papers, Harvard College.)

‖ See index, title Arnold.

Among the "intercepted letters" in the Department of State is one from James Meyrick, Parliament street, January 30, 1781, to "Major-General" Arnold, announcing the investment on the latter's behalf of £5,000, which was a part of the money paid to Arnold for his treason.

The following extract from an "intercepted letter" in the Department of State from John Hatton to his son, dated January 1, 1781, illustrates the status of some of the refugees:

"I have had a conference with some of our great men, the lords of the treasury, and as some compensation they have given me £300 in cash and £80 per annum, and likewise my custom-house salary during my absence from my port. Had I been fortunate enough to have come three or four years before I might have had four hundred or five hundred a year, as Andrew Allen, who was attorney-general at Philadelphia, as one of the most violent rebels, and raised a company of rebel riflemen, is now here and has four hundred per annum, and numbers of others of the white-washed sort have from eighty to five hundred a year. Thus government has been much imposed upon by these arch jockeys and has overdone itself, but can not with propriety retract; therefore the king's real friends fare the worse, and some have been petitioning for two or more years to no purpose."

¶ See *infra*, § 150.

** See *supra*, § 8.

the words both of Franklin and Vergennes, was so thronged by secret British emissaries that every movement of an American envoy was watched and every accessible influence which could work on him seized*—then it is impossible for us not to acknowledge the unscrupulous skill and lavish expenditure by which this particular line of policy was worked out by the British Government.†

In this connection may be noticed the issuing by British authority of false or corrupted papers purporting to come from Americans or from Frenchmen corresponding with Americans.‡

* "I continue to watch Franklin's motions as narrowly as I can, but without seeming to pay much attention to them. I have frequent offers of intelligence with regard to him, but whenever these offers come from a suspicious quarter, which is often the case, my general answer is that I know already that he is come here as a fugitive rebel, which is all I want to know with regard to him." (Stormont to Weymouth, Jan. 15, 1777, Bancroft MSS.)

† *Supra*, §§ 7, 8.

Of Galloway, whose case exhibited the most important political conversion made by the British during the war, Sir William Howe, in his Observations, says:

"I allowed him at the rate of £200 sterling per annum from the time of his joining the army until he could be otherwise provided for. When we had taken possession of Philadelphia I appointed him a magistrate of the police of the city, with a salary made up of £300 sterling per annum and six shillings a day more for a clerk. I also appointed him superintendent of the port, with a salary of twenty shillings a day, making in the whole upwards of £777 sterling per annum. Had his popularity or personal influence in Pennsylvania been as great as he pretended it was, I should not have thought the money ill-bestowed. I at first paid attention to his opinions and relied on him for procuring me secret intelligence, but I afterwards found my confidence was misplaced. His ideas I discovered to be visionary, and his intelligence was too frequently either ill-founded or so much exaggerated that it would have been unsafe to act upon it. Having once detected him in sending me a piece of intelligence from a person who afterwards, upon examination, gave a different account of the matter, I immediately changed the channel of secret communication, and in future considered Mr. Galloway as a nugatory informer. I continued him, however, in his lucrative offices as magistrate of the police and superintendent of the port, in the duties of which I believe he was not deficient." See further under date of June 16, 1780.

‡ See index, title Forgery.

The extent to which this system of falsification was carried is noticed in a note hereafter given to a letter of Marbois, under date of March 13, 1782.

"I have seen a letter published in a handbill in New York, and extracts of it republished in the Philadelphia paper, said to be from me to Mrs. Washington, not one word of which did I ever write. Those contained in the pamphlet you speak of are, I presume, equally genuine, and perhaps written by the same author." (Washington to R. H. Lee, 2 R. H. Lee's Life, 20.)

In a letter from Washington to Pickering, of March 3, 1797 (11 Sparks' Washington, 193), he designates as a "base forgery" certain letters to Lund Washington, of June 12, July 8, July 15, July 16, July 22, 1776; to J. P. Custis, of June 18, 1776; and to Mrs. Washington, of June 24, 1776. The "letter" to Mrs. Washington of June 24, 1776, is given as genuine in the London Chronicle of December 22–30, 1777, and though some fragments of it might have been written by Washington, yet it is filled with passages of sentimentalism both of love and loyalty which could never have come from his pen.

Sir William Howe, in the House of Commons, on May 3, 1779 (20 Parliamentary History, 745), expressly avowed that the famous invitation in 1777 to him from lead-

The forgery within the British lines of American paper money is more than once referred to in the following pages. A kindred falsification, that of passing of clipped coin by British purchasers of provisions, was a common device. The chief in this line of falsification was General Robertson, the barrack-master in New York during the British occupation. Jones, the tory historian of New York, whose high personal character entitles him to full credence, gives a detailed statement of Robertson's clipping the coin he received from England to purchase American supplies, and in this way making a vast fortune. These clipped coins were called "Robertsons," and were noticed by Chastellux as in wide circulation. As several millions of pounds were sent to America from England for disbursement, and were thus clipped in New York, the profits must have been enormous.*

Distinctive policy of Rockingham whigs; tending to acknowledge independence.

§ 31. In another volume† it is shown that the policy of Fox, as leading in foreign affairs the Rockingham whigs, was to grant independence absolutely and unconditionally to the United States.‡ Had this been part of a plan by which the United States, when independent, would have been endowed with a territory sufficiently ample to enable them to take a leading place among nations, and had they been allowed to continue on the old basis their trade with England and her colonies, this plan would have been the best that could have been proposed. But, as is shown in the notes referred to, not only did Fox, when the treaty giving the United States a common interest in the fisheries and the

ing citizens of Philadelphia, which produced so great an effect in England and in France, was forged by himself. He "answered the fact (with which he had been twitted by Germain) respecting the pretended invitation from the inhabitants of Philadelphia, *which he said had been fabricated by himself in order to deceive the enemy. He forged the invitation and sent a person with it, that the contents might fall into the hands of the rebels, in order to deceive General Washington and alarm him for his own safety on account of traitors within and a powerful enemy from without.*"

*1 History of New York, 162.

†Appendix to 3d vol. Dig. Int. Law.

‡During the war, Richmond and Fox did not conceal the satisfaction with which they viewed British defeats in America so long as they considered it a contest between English and English. Even after France intervened Horace Walpole, who in this respect was an ultra whig, thus writes:

"France has a right to humble us. *The true English who are in America have behaved like Englishmen, without any Scot alloy.* The victories of France will be over Scots. Dr. Franklin's triumph has been over a Scot ambassador (Stormont)." (Horace Walpole to Mason, March 16, 1778.)

"I rejoice that there is still a great continent of Englishmen who still remain free and independent, and who laugh at the impotent majorities of a prostitute Parliament." (Walpole to Conway, June 5, 1779.)

"I appeal to the unalterable nature of justice whether this war with America is a just one. If it is not, can an honest man wish success to it?" (Walpole to the Countess of Ossory, October 26, 1781.)

As to peace agents representing this class, see *infra*, § 197 *ff*.

western territory as far as the Mississippi came up before Parliament, vehemently attack it as an invasion of British rights, but, though the treaty could not be set aside, he followed up this attack when minister by a measure the effect of which was to greatly injure, to the detriment of both nations, the trade of the United States with the West Indies.*

Chatham and Shelburne sought federal and commercial union.

§ 32. America, it was declared by Chatham, could not be conquered. Hence all hostile troops should be withdrawn from her shores, and she should be offered absolute local self-government, her union with the mother country being merely federal, and this union only obliging her to dependence in respect to foreign relations. And if the independence of America was to be acknowledged by Britain, it was to be regarded as the result of a partition of empire involving a system of entire commercial reciprocity. This view was accepted by Shelburne, the most philosophical of British statesmen, and was maintained by William Pitt, the son, when chancellor of the exchequer under the Shelburne administration. It was by Shelburne also that a community of interest in the fisheries and an extension of territory to the Mississippi were recognized in the articles of 1782, which made a settlement not of grant, as it would have been under the policy of Fox, but of partition, each party retaining her prior rights. For it was maintained by Shelburne, following herein the views of Adam Smith and of Price,† that England would be benefited by such a partition of sovereignty accompanied by reciprocity of trade, and that the more mighty the United States should then become, the better it would be for her. Better by far for England, so they argued, that North America should become a powerful sovereignty, controlled by men of English blood, embracing the whole Mississippi Valley, than that that fertile valley should be subjected to the paralyzing power of Spain, and that the English-speaking people of America should in this way be so weakened as to be permanently dependent upon an alliance with France. It was on these principles that the peace of 1782–'83 was negotiated. The consideration of this great settlement, however, must be reserved to another volume. ‡

* Appendix to 3d vol. Dig. Int. Law.

† See 3 Lecky's History of England, 390.

‡ See *infra*, under date of 1782, 1783; see also appendix to second edition Digest of International Law. As to peace negotiations, see Mr. Trescot's excellent Diplomacy of the Revolution, 94 *ff*.

CHAPTER IV.

ATTITUDE OF FRANCE TO THE UNITED STATES.

Temporary hostility to France engendered by the treaty of 1763.

§ 33. The treaty of 1763, by which Canada, certain French West India islands, and the dominancy of India passed from France to England, was at first as much censured in England and America as it was in France. The treaty, it was declared, did not take half enough. France should have been entirely driven from the fisheries. She should not have been allowed a foothold in America. But while in France the hatred engendered by the treaty festered in secret, in England the opposition, venting itself through the parliamentary safety-valve, ceased to exist when Parliament assented to the treaty. But that assent was bought not very honorably, however wise it may have been. Pitt, rather than acquiesce, resigned. Bute, then in the ascendant, had to fall back on Henry Fox, whose powers as a leader, coupled with the corrupt influences which he employed, enabled him, desperate as was his character, to carry the treaty through. But the popular conviction in England that it was an unworthy surrender, while it was at the same time regarded in France with an agony of humiliation, shows that there then existed an antagonism between the two countries which must, even without the American Revolution, have sown the seeds of another war.

Hostility in France permanent.

§ 34. The dissatisfaction with which this treaty was received in England was limited and evanescent compared with that with which it was received in France. In England only the military pride of the nation was wounded, and in a short time it was felt that the country had gained as much as it could have safely claimed, and that upon the whole the peace was better for it than would have been the continuance of the war. In France it was otherwise. The French army had been disgraced by ignominious defeats in Germany; the French navy had been almost annihilated; the French merchant service was for the time paralyzed, and the French flag ceased to wave on the continent of America. Canada passed over to England; over the massive fortifications of Louisburg, on which France had lavished so much money and skill, the British flag now hung. Even on her own territory France bore the scar of her humiliation, she being obliged to agree not to fortify Dunkirk. On Spain also, to whom she was bound by family ties as well as by alliance during the

war the treaty closed, the still greater indignity was imposed of the retention by England of Gibraltar, so augmented in strength as to make it almost impregnable.

To France such a condition was unendurable, and peace was hardly settled before she began a series of measures which would enable her to assert her position as a first-class power. She at once reorganized her navy, and so energetic was her action in this relation that in 1765 she had sixty-four ships of the line and thirty-four frigates for cruising. And she succeeded—availing herself of the reaction in Europe against England, caused by the latter's arrogant pretensions to naval supremacy—in forming intimate political relations with Austria and Holland, and in re-establishing the old family Bourbon compact with Spain, Parma, and Naples.

Treaty of 1763 helpful to the United States.

§ 35. Humiliating as the loss of the North American territories was to France, it was productive of much advantage to the United States in their subsequent struggle with the mother country. Had France in 1776 been in possession not only of Canada but of the valley of the Mississippi, it is not likely that she would have accepted the policy of freeing the United States from British dominion; nor, had she retained Canada and the Mississippi valley, would she have nourished that bitter resentment to Britain which swayed her after the peace of 1763. Burke insisted that the conquest of Canada was of doubtful value to Britain, as by removing France from North America it would weaken the community of danger which bound Britain to her American Colonies and would precipitate the division of the British empire. Not only was this the case, but had France held in 1782 the valley of the Mississippi, that great country would not have either been claimed by the United States or surrendered by France.

Policy of Louis XV one of investigation and intrigue.

§ 36. To the quick eye of Choiseul, who was at the head of the French ministry in 1763, the source of danger as well as of hope was to be found in the English Colonies in North America. Without the aid drawn from them England could not have conquered Canada and could not have wrested the fisheries from France. In the then condition of the world these English Colonies had, under England's protection, the capacity of placing on the high seas a naval force which England alone could surpass, and of dividing with England the carrying trade of the world. Should England retain these Colonies, they would together hold an absolute empire over the seas. If the Colonies should revolt, and if independence could be achieved by them by war, then, by alliance with them, or even by their standing aloof as neutrals, France would be able to contest England's maritime supremacy. To watch the Colonies; to foment as far as possible their discontent; to aid them in insurrection against England, so far as this could be done without prematurely engaging in a war with Eng-

land; was the policy of the ministry of Louis XV from the time of the humiliation of 1763.*

For a while, however, this policy was satisfied with collecting information and giving to the discontented leaders in America enigmatical hints of foreign aid that might in certain contingencies be received. The ingenious system of secret service which Louis XV had put into European operation had what might be called its "literary bureau" in America, whose reports he personally scanned. According to De Witt, he took a "malicious pleasure" in listening to whatever showed the growth of American disaffection.

"He was very well served by the representatives of France in London. M. Durand, and after him M. de Châtelet, or in the absence of the latter, M. Francais, his first secretary, were incessantly on the search for ideas and news. Their correspondence abounds in particulars relating to the history, position, forces, hopes, and desires of the Colonies; particulars derived from the best sources, the writings and conversations of Franklin, the reports of M. de Pontleroy (an intelligent naval officer whom M. de Choiseul had commissioned in 1764 and 1766 to visit the Colonies secretly under the name of Beaulieu), from communication with merchants in the city, indiscreet remarks of members of the opposition, American newspapers; and there are still to be found in the archives of the office of foreign affairs pamphlets, reports of assemblies and meetings, and political sermons, which were annexed in great profusion to their dispatches. They did not confine themselves to stating what they had heard; they also said what they thought." (De Witt's Jefferson, 52.)

Policy of Louis XVI at first one of reserve.

§ 37. The news of Louis XVI's accession to the throne was received in Boston on the day when the port of that city was closed by British orders; and it was natural that the leading patriots of Massachusetts should speculate with anxiety on the new monarch of France, on whom so much in the future was to depend. They had fought against Louis XV to establish British su-

*As to Choiseul's position Guizot thus writes:

"The Seven Years' War was ended, shamefully and sadly for France; M. de Choiseul, who had concluded peace with regret and a bitter pang, was ardently pursuing every means of taking his revenge. To foment disturbances between England and her colonies appeared to him an efficacious and a natural way of gratifying his feelings. 'There is great difficulty in governing states in the days in which we live,' he wrote to M. Durand, at that time French minister in London; 'still greater difficulty in governing those of America; and the difficulty approaches impossibility as regards those of Asia. I am very much astonished that England, which is but a very small spot in Europe, should hold dominion over more than a third of America, and that her dominion should have no other object but that of trade. * * * As long as the vast American possessions contribute no subsidies for the support of the mother country, private persons in England will still grow rich for some time on the trade with America; but the state will be undone for want of means to keep together a too extended power. If, on the contrary, England proposes to establish imposts in her American domains, when they are more extensive and perhaps more populous than the mother country, when they have fishing, woods, navigation, corn, iron, they will easily part asunder from her without any fear of chastisement, for England could not undertake a war against them to chastise them.' He encouraged his agents to keep him informed as to the state of feeling in America, welcoming and studying all projects, even the most fantastic, that might be hostile to England." (5 Guizot's History of France, 355.)

premacy in North America; were they to look upon Louis XVI as a possible ally or as a foe?

The first action of Louis XVI, who had arrived at his majority only a short time before his accession, gave no indication as to his course. He selected Maurepas as his first minister, passing over Choiseul. Maurepas reserved no particular department for himself, appointing Vergennes to the foreign office, Sartine to the navy, Turgot to the treasury. Vergennes had eminent qualifications for the post; industrious almost to an excess, and, as we will hereafter see more fully,* of considerable diplomatic experience. He did not, indeed, possess the buoyant enterprise nor the capacity for versatile movement and subtle intrigue which distinguished Choiseul, but he had the more valuable characteristics of good judgment, of clear vision, and of sagacious patience.

To Vergennes France was the first object, and royalty commanded his obedience only because he believed royalty to be essential to the greatness of France. He favored the American insurgents merely as engines for breaking down British supremacy, not as propagandists of cosmopolitan republicanism. Even less friendly to them was Louis XVI; a believer in the divine right of kings, an absolutist by education, and an admirer of George III, whose respectability of character he could not but contrast favorably, in the eyes of a virtuous observer, with the dissoluteness of Louis XV, and whose determination not to yield one inch to rebels naturally commended itself to an absolutist king. And on the mere question of policy it was then by no means sure that the Colonies, even if France should commit herself in their favor, might not, on a conflict arising between England and France, desert their new for their old friend. According to De Kalb, in letters to be hereafter more fully quoted, written during his secret mission to America in 1768, the Colonies, no matter how much exasperated against England, would fling themselves on her side should she be engaged in a war with France; and as late as 1770, as has been well stated:†

"A quarrel between France and England would even yet have sufficed to reconcile the Colonies to the mother country, to silence the factions which were then disturbing the tranquillity of London, and once more to concentrate the whole strength of the British empire against the common enemy before the latter was prepared to renew the strife. There was here a great danger, to which M. de Choiseul was perfectly alive, but of which, in his disdain for the ministry of which Lord Chatham was only the nominal head, he ventured to make light. 'I hope,' he writes, 'there is not in them the energy necessary to enable them to have recourse to this remedy;' and at the very moment he seemed bent upon avoiding every chance of an immediate rupture he did not hesitate to risk their bitterest displeasure by seizing upon Corsica. 'The public is occupied with America,' he said; 'the government is feeble; we can venture upon a good deal.' To seize upon Corsica was indeed to attempt a good deal; it was putting the patience of a powerful enemy to the severest test it could possibly endure; but there is pushing forward in this way to the verge of what can be attempted with impunity without experiencing some secret uneasiness."

* *Infra*, § 50 *ff.* † De Witt's Jefferson and Democracy (London, 1882), 49.

Hence it was that, because France was then unprepared for war, because the revolt in the Colonies had not yet taken final shape, and because the first instincts of Louis XVI were against interposition, the advent of the young king contributed to continue the suspension of French interference in American affairs which had marked Choiseul's withdrawal in 1770. Yet this suspension of French activity in America was not necessarily disadvantageous to the cause of American independence, and there is strong ground to accept the opinion of De Witt that it was, on the whole—

"lucky for America; public opinion had advanced less quickly here than in France, and several years had yet to pass over before it could reach the same point. The correspondence of Franklin, then agent for Pennsylvania, Georgia, and New Jersey in London, furnishes the proof of it. He was extremely flattered by the marked attention which he received from the French diplomatists. In all probability he discerned in his relations with them a resource for the future, and doubtless took care not to forfeit it by any excessive reserve that would discourage their curious inquiries into American affairs; but their zeal for the cause of which he was the representative nevertheless excited in him a secret distrust, and he made it a capital point not, save in the last extremity, to engage in any serious negotiations with the enemies of his race." *

Secret investigations; Bonvouloir.

§ 38. In 1774, however, Vergennes became convinced that a final rupture between England and her Colonies was at hand. England had not long before connived at, if not sustained, the support given by British subjects (Boswell among others) to Corsican insurgents, and Vergennes availed himself of this interference to familiarize Louis XVI with the idea of French intervention in America. A new secret agent was sent, with the king's assent, to America, and the person selected for this purpose was Bonvouloir, a soldier of distinction, who had previously visited the principal American cities, and claimed to have become there acquainted with leading local politicians. Bonvouloir's instructions were to visit the chief insurgents, to acquire from them all the information he could, and, without in any way committing his principals, to let them feel they might, if war ensued, have succor from France. To avert suspicion, Bonvouloir was to sail from England under the auspices of Count de Guines, French minister at London, and on the 7th of August, 1775, Guines was instructed by Vergennes as follows:

"One of the most essential objects is to re-assure the Americans on the score of the dread which they are no doubt taught to feel of us. Canada is the point of jealousy for them; they must be made to understand that we have no thought at all about it, and that, so far from grudging them the liberty and independence they are laboring to secure, we admire, on the contrary, the grandeur and nobleness of their efforts; and that, having no interest in injuring them, we should see with pleasure such a happy

* De Witt's Jefferson and Democracy, 57, *ut supra.*

The relations of France to the United States prior to and at the time of the recognition of American independence by France are discussed by a pamphlet on "The Revolution of America," by the Abbé Raynal, published, as translated, in Philadelphia in 1782.

conjunction of circumstances as would set them at liberty to frequent our ports. The facilities they would find for their commerce would soon prove to them all the esteem we feel for them." (5 Guizot's History of France, 371; Frout de Fontpertuis, Les États Unis, 297.)

Bonvouloir arrived in Philadelphia on December 28, 1775, and at once reported himself to a former acquaintance—Francis Daymon, librarian of the Philadelphia library, not long before instituted by Franklin. By Daymon Bonvouloir was at once introduced as a Frenchman of distinction to Franklin, Harrison, Johnson, Dickinson, and Jay, members of the secret committee, which had been not long before instituted by Congress.* According to Bonvouloir's report, which was not received by Guines until February 26, 1776—

"He made them no offer whatever, promising them *only* to render them every service which could *depend* on him, without making himself in *any way responsible for events*, and all by means of his *acquaintances*, and without putting himself at all in their power. Being asked on what terms France would aid them, he replied that, in his idea, France *wished them well*. But would she aid them? *Possibly she might*. On what footing? *He could not at all tell;* but, if it should happen, it would always be upon just and equitable conditions; that moreover, *should they think fitting to do so*, they had only to make their proposals; that he had valuable acquaintances, and would undertake to have their demands *presented*, and *nothing further*. Discouraging the idea of their sending one of their delegates as their representative to France, he informed them he thought it might be attended with some risk; but that if they would intrust him, with anything, *possibly* he might get replies which would decide them as to the course they should pursue; but that in fact he could not undertake to advise them in any way; he was merely a private individual traveling for curiosity; that he should be really glad if, by means of his *acquaintances*, he could be in any way useful to them; that he would not expose them, himself, or *any one to any risk;* that affairs of this importance are too delicate to be lightly treated, especially as he had no right, no power; and that he could only guaranty one thing, and that was, he would never betray their confidence. He says the members of the committee were only five in number; that they met at an appointed spot (place) after dark, each of them going to it by a different road; that they had given him their confidence after his first telling them that he could *promise, offer*, and *answer for* nothing, after having warned them several times that he could merely act as a well-disposed individual. He incloses a letter from the secret committee, requesting to know from him, as a private individual, first, whether he could give them any information of the feeling of the French court towards the Colonies, and, if favorable, how they could receive a positive assurance of it; secondly, whether it would be possible to get from France two skillful engineer officers who were to be depended on, and what steps should be taken to procure them; thirdly, would it be possible to obtain directly from France arms and other warlike stores in exchange for the products of the country? To those three questions M. de Bonvouloir replied, First, that he thought he might venture to say that France was well-disposed towards them, and, as far as *he knew*, had no other than good feelings towards them; but as to obtaining positive assurance of it, there was only one way, that of asking directly for it—a ticklish step, requiring careful management; he would neither advise for or against it, nor take it upon himself; it was much too delicate a matter. Secondly, two engineer officers or more could be obtained; the only thing required would be to ask for them; that he had already done so on their behalf, without being positively sure of success, though expecting it, as he had serviceable correspondents. Thirdly, as to procuring arms and military stores in exchange for produce, that was a mere mercantile operation, and he saw no great objection

* See notes to A. Lee's letter of Feb. 13, 1776.

to it on the part of France; he would even refer them to good correspondents, without himself becoming responsible for anything; of course they must undertake it at their own risk and peril; at all events, they would do well not to make too much use of the same port, which might attract attention; he did not know whether they would have free entrance and exit from the French ports; this would be an open declaration in their favor and possibly involve war; perhaps France would shut her eyes, and that was all they wanted; still he could not answer for anything; he was nobody; he had serviceable acquaintances; that was all."*

Vergennes' "Réflexions."

§ 39. The history and character of Vergennes, as bearing on the participation of France in the American Revolution are hereafter distinctively considered.† The question how far that participation should extend became the subject of his anxious consideration from the time he took the seals of the foreign office; and the views he entertained in 1775 are expressed in a paper entitled "Réflexions," in which he called the attention of the king to the various conditions bearing on this momentous issue.

Rayneval's report.

§ 40. Early in March, 1776, the results of Bonvouloir's mission being before the department of state, Rayneval, chief clerk in that department, drew up a report on the subject for the information of Vergennes.‡ In this paper Rayneval, after describing England as the natural enemy of France, and as a greedy, ambitious, unjust, and faithless enemy, the invariable and cherished object of whose policy was, if not the destruction, at all events the impoverishment, humiliation, and ruin of France, urged, as a natural consequence, that it was the business of France to take every possible opportunity of weakening the strength and power of England. Taking these two truths as his point of departure, he proceeded to say that the question was, how the troubles in America could be made conducive to this desirable end. He was of opinion, he said, that to favor the Colonies would be, first, to diminish the power of England and to raise that of France; in the second place, to cause a great diminution in English commerce and a great increase in French commerce; thirdly, to bring about eventually the recovery of the possessions which England had wrested from France, such as the coast fishery, that of the Gulf of St. Lawrence, not to speak of Canada. To the objection that, once a free and independent state, the Americans would become dangerous to the French colonies and to the rich possessions of Spain in South America, he answered that in the first place they would be too much exhausted for a considerable

* De Witt, *ut supra*, 1775; Front de Fontpertuis, *ut supra*, 301.

Italics are given as in De Witt. The letter is also given by Doniol (i, 268), who describes in detail the artifices by which this mission was covered up.

† As to Vergennes personally, see *infra*, §§ 41, 50; *infra*, § 50 *ff.*; as to his position in 1776, see *infra*, § 41.

‡ I have here followed in the main the translation of De Witt, *ut supra*, 389.

Rayneval's full name was Conrad Alexandre Gerard de Rayneval. He came afterwards as minister to America, and appears in our correspondence under the name of Gerard. See *infra*, § 83.

time to think of attacking their neighbors; and that in the next place they would be most likely to form themselves into a republic, which, as is well known, is not given to conquest, and that they would be too busily engaged in reaping the fruits of peace to be troublesome to their neighbors. He then said that, supposing the Colonies did encroach on the possessions of Spain, it did not necessarily follow that this must be injurious to France; the obligations imposed by the family compact not to be infringed, of course. As to the question how France could assist them; at what epoch she ought to assist them, and what would be the consequences of her assisting them, he answered that the proper way was the exchange of arms and stores against their produce, which, by means of confidential agents, could be conducted without the government appearing in it or attracting the displeasure of the court of St. James, and exclusively at the risk and cost of the Americans themselves. Assistance in money, he thought, could be given indirectly, or directly if necessary. As respected naval assistance, this would be a matter of more difficulty. It could not be done openly without danger of a war with Great Britain; and not clandestinely, as that, if found out, would justly expose the French to the charge by England of secretly fomenting the rebellion in her Colonies. But, he insisted, there would be a way of getting rid of the difficulty, and that was by sending ships of war disguised as merchant vessels to St. Domingo or some other convenient place, where the Americans could go and get them at their own risk, after exchanging papers with the French officer in command, to give the affair the character of a purchase. In this manner, he maintained, the *insurgents* might strengthen their navy by the aid of France without herself appearing in it at all. As to the time at which the assistance should be given, he said that at the present moment they had all they wanted, but this might not, it was to be feared, continue long, and France should therefore at once attend to this point; she should inspire them with courage and perseverance by promising to aid them as soon as circumstances would allow, and should give them to understand that the precise time would depend upon their successes, but that they might expect that at the end of the next campaign such an opportunity would occur. France in this way would avoid committing herself, whether in respect to the insurgents or to the court of St. James, and would be in a position to strike a decisive blow whenever she thought circumstances ripe for it. As to the consequences of assisting the Colonies, he thought the results in any case would be the same. If England were not successful at the outset, this would be a proof of weakness; France might therefore, without risk, assist the Colonies. Should England be successful in her attempt to keep the provinces in subjection, she would probably attack our colonies out of revenge for the secret aid to the Americans, which she would certainly give France credit for. In the event of her being defeated, she would endeavor to seize upon the French West India islands by

way of indemnity for her losses. Consequently, war under any contingency would be inevitable; therefore it was the interest of France to prepare immediately for war, and the best way of doing that would be to obtain the sympathy of the Colonies, and, if necessary, to make common cause with them.

Vergennes' "Considerations."

§ 41. On March 17, 1776, Vergennes* presented to his associates in the cabinet—Maurepas, Turgot (controller-general), Sartine (secretary of the navy), and St. Germain (secretary of war)—a paper entitled "Considerations," which, after for many years evading the search of historians, and which Sparks and Circourt supposed to be unobtainable, was brought to light by De Witt and republished by Doniol. In this important paper Vergennes,† after some general reflections on the advantages which the two crowns of France and Spain derived from the continuance of the civil war in America, and, on the other hand, on the inconveniences which might arise from the independence of the Colonies, and the probability that, in case of failure in North America, England would, to recover its credit, turn its arms against the French and Spanish possessions in America, proceeds to consider the course at once to be pursued. He bitterly attacks the English for their habitual breach of good faith, violation of treaties, and disregard of that observance of the sacred laws of morality which distinguish the French, and infers that they will take the first opportunity to declare war against France or invade Mexico.‡ No doubt, if the kings of France and Spain had martial tendencies; if they obeyed the dictates of their own interests, and perhaps the justice of their cause, which was that of humanity, so often outraged by England; if their military resources were in a sufficiently good condition, they would feel that Providence had evidently chosen that very hour for humiliating England and revenging on her the wrongs she had inflicted on those who had the misfortune to be her neighbors and rivals, by rendering the resistance of the Americans as desperate as possible. The exhaustion produced by this internecine war would prostrate both England and her Colonies, and would afford an opportunity to reduce England to the condition of a second-rate power; to tear from her the empire she aimed at establishing in the four quarters of the world with so much pride and injustice, and relieve the universe of a tyranny which desires to swallow up both all the power and all the wealth of the world. But the two crowns not being able to act in this way, they must have recourse to a circumspect policy. This granted, Vergennes lays down four propositions: First, care must be taken

* See as to Vergennes further, *infra*, § 50 *ff.*

† I adopt here in the main De Witt's rendering, *ut supra*, 391.

‡ As to the whig opposition, Chatham at their head, he thinks that their policy was by making peace with America, to turn the full power of Britain against France.

not to commit themselves, and so bring on the evils they desire to prevent. Secondly, it must not be supposed that inaction, however complete, could save France from being an object of suspicion; that the actual policy of France did not escape suspicion even then; that the English, accustomed to think of their own interests and to judge others by themselves, would necessarily think it unlikely that the French Government would let slip so good an opportunity of injuring them; and even if they did not think so, they would feign it if they wanted to attack France, and Europe would believe it in spite of her denial. Thirdly, that the continuation of the war would, for obvious reasons, be advantageous to the two crowns. Fourthly, that the best mode of securing this result would be on the one hand to keep up the persuasion in the minds of the English ministry that the intentions of France and Spain were pacific, so that they might not hesitate undertaking an active and costly campaign; and on the other hand to sustain the courage of the Americans, by countenancing them secretly, and by giving them vague hopes which would obstruct any attempts England might make to bring about an amicable accommodation, and would contribute fully to develop that desire for independence which was now beginning to be observed among them. The colonists would be rendered furious by the injuries inflicted upon them, the contest would grow fiercer, and even should the mother country prove successful, she would for a long while have need of all her disposable force to keep down the spirit of independence, and would not dare to risk the attempts of her colonies to combine with a foreign enemy for the recovery of their liberty. Thence he draws the following inferences:

(1) That they should continue dexterously to keep the English ministry in a state of false security with respect to the intentions of France and Spain.

(2) That it would be politic to give the insurgents secret assistance in military stores and money; that the admitted utility would justify this little sacrifice, and no loss of dignity or breach of equity would be involved in it.

(3) That it would not be consistent with the king's dignity or interest to make an open contract with the insurgents until their independence was achieved.

(4) That in case France and Spain should furnish assistance, they should look for no other return than the success of the political object they had at that moment in view, leaving themselves at liberty to be guided by circumstances as to any future arrangements.

(5) That perhaps a too-marked inactivity at the present crisis might be attributed by the English to fear, and might expose France to insults to which it might not be disposed to submit. The English, he adds, respect only those who can make themselves feared.

(6) That the result to which all these considerations led was that the two crowns should actively prepare means to resist or punish England,

more especially as, of all possible issues, the maintenance of peace with that power was the least probable.*

St. Germain. Turgot.

§ 42. The members of the cabinet addressed answered as follows:

St. Germain, on March 15, replied with the maxim, "Si vis pacem, para bellum," sustaining in the main the conclusions of Vergennes.

Turgot waited until April 6, when, after some general doubts as to whether the independence of the Colonies would benefit France, he proceeded to say:

"Since the commencement of the reign of Louis XVI the payments of the govern. ment annually exceed its receipts by twenty millions. There are but three ways of meeting the deficit: By augmentation of taxes, by bankruptcy more or less disguised, or by marked economy. Neither of the first two of these alternatives can be justly adopted. The third remains, but it requires time. This does not compel us, he argued, absolutely to refuse war, but we should not enter into it prematurely. And to attack England would probably be the signal of a reconciliation between her and her Colonies, precipitating the danger we wish to avoid." (See 1 Doniol, 251, 282.)

Turgot's position is thus summarized by Henri Martin, in his History of the Decline of the French Monarchy:†

"Putting aside his sympathies and reasoning on the basis of pure interest, he said that it was to the interest of France for England to succeed in subjugating her Colonies, because if they were ruined England would be weakened thereby; and if they remained strong they would always preserve the desire of independence, and would continue to be an embarrassment to the mother country. The eagle glance of Turgot speedily re-appeared in the sequel of the memorial. Whatever might be the immediate issue of the insurrection, he predicted the definitive issue would be the recognition of the independence of the Colonies by England herself, a complete revolution in the political and commercial relations between Europe and America, and the final emancipation of all the European colonies. 'I firmly believe that every other mother country will be forced to abandon all empire over her colonies, permit an entire freedom of commerce with all nations, and content herself with sharing this freedom with others, and with preserving the ties of friendship and fraternity with her colonies. It is important that Spain should familiarize herself with this idea.' Turgot thought, with Vergennes, that offensive warfare should be avoided. In this respect he invoked moral reasons as well as the state of the finances and that of the army and navy. Time was needed to regenerate these branches of the king's power, and there was danger of rendering our weakness eternal by making a premature use of our reviving strength. Lastly, the decisive reason was that an offensive warfare would reconcile the mother country and the Colonies, by inducing the first to yield. Turgot, in his conclusions, did not, however, oppose the proposals of Beaumarchais, for he advised the government to facilitate measures whereby the colonists could procure the munitions, and even the money, which they needed, by means of commerce, without departing from official neutrality and without direct aid.

"To re-establish our maritime forces quietly; to put ourselves in a condition to fit out two squadrons at Toulon and Brest; to arrange everything for a descent upon England should war become imminent, in order to oblige the enemy to concentrate his forces, and to take advantage of this concentration to send expeditions both to the West Indies 'and to India, where we should have the means of action prepared;'

* See as to position of France at this period Trescot's Diplomacy of the Revolution, 19 *ff.*

† 2 Booth's Translation, 374.

nevertheless, to avoid war until it should become absolutely inevitable, because it would prevent for a long time, and perhaps forever, an internal reform, which was positively necessary. Such were the last counsels of the reformatory minister on the eve of his fall." (Martin, *ut supra;* see 1 Doniol, 283.)

French motive not exclusively revenge.

§ 43. It would be a mistake, however, to attribute the French support of America exclusively to a feeling of revenge for the humiliations of the prior war. Other motives came in and exercised a decisive influence. There was a conviction, and a right one, in France that for Britain to hold under control the whole of North America as well as of India would give her a maritime supremacy, as well as a superiority in wealth, which would constitute a standing menace to the rest of the civilized world. There was, again, an enthusiasm among the young nobility* and among officers in the army for America, which, even aside from the bitterness towards Britain with which it was mingled, had great effect on people as well as on court; and to this was added the sympathy of doctrinaire political philosophers who then and for some time afterwards had great power in forming French public opinion. By the enthusiasm of the young nobility the queen—brilliant, bold, weary of the traditions of the old court, inconsiderate as to ultimate political results—was affected, and through her her husband was reached. But above this, was the sense of right which was uppermost in the breast of the unfortunate sovereign who then, with little political experience but high notions of duty as well as of prerogative, occupied the throne. "The king," said Franklin, when writing to Congress on August 9, 1780, "a young and virtuous prince, has, I am persuaded, a pleasure in reflecting on the generous benevolence of the action in assisting an oppressed people, and proposes it as a part of the glory of his reign." "You will not wonder," he said on October 2 in the same year, in an informal letter to Jay, "at my loving this young prince. He will win the hearts of all in America."

Franklin was himself not inclined to enthusiasm. If he erred in his

* In December, 1782, a number of French officers being in Boston, General Viomé-nil being at their head, they were waited on by the general court, and addressed, in its behalf, by Samuel Adams. Among the distinguished men whom the visitors met was Dr. Cooper, whose name appears as the correspondent of Franklin in the following pages. (See index, title Cooper.)

"Dr. Cooper," according to Dumas, "one day spoke to us of the first Declaration of Independence. We listened to him with the most eager attention. When praising our enthusiasm in the cause of liberty, he said to us: 'Take care; take care, young men, lest the triumph of the cause on this virgin soil should too much influence your hopes. You will carry away with you the germs of these generous sentiments; but if you ever attempt to propagate them on your native soil, after so many ages of corruption, you will have to surmount far different obstacles. It has cost us much blood to conquer liberty, but you will have to shed it in torrents before you can establish it in Europe.' How many times since then, during our political storm, during our fatal days, have I called to mind the prophetic warnings of Dr. Cooper; but the inestimable prize which the Americans obtained by their sacrifice was always present to my mind." (Stone's Our French Allies, 528.)

appeals to others to do what is right, it was in laying too much stress on motives of interest. He had too much tact and self-respect to indulge in flattery. Language such as that just quoted he never would have addressed either to the king or to one of his ministers. The encomium, about as high as could have been given, was given argumentatively to explain why, in dealing with this "young prince," there should be kindliness and consideration; and why language such as a haughty superior might use to a subordinate, or such even as an incensed and down-trodden subordinate might use to a superior, was not proper for Americans to use when addressing Louis XVI. And Franklin, in speaking in the way he did of the king, did not speak without knowledge. Franklin was a sagacious observer, and his intimacy with Vergennes, with La Fayette, and with the leading statesmen among whom he moved, gave him peculiar opportunities of observation. Hence, while recognizing in his American correspondence these noble qualities in Louis XVI, he recognized them also in making his appeal personally to that ill-fated prince.

There is in Franklin's letters, which were meant for the royal eye, a paternal tenderness which is peculiarly significant, and there is in them also, as a basis to the whole, an appeal to those very qualities of magnanimity and justice whose existence he had recognized in his correspondence with Congress and with Jay. It is impossible, when viewing the delicacy and considerateness of these letters, taken in connection with their wonderful political wisdom and loyalty to country, and when comparing these qualities with the hard tone in which one, at least, of his colleagues addressed the French court, not to see that during his mission at Paris Franklin exhibited not merely great wisdom in the maintenance of his country's cause, but a fitting tenderness towards the French crown. And it may perhaps be said that, had he been prime minister of France during the ten years that followed the close of his mission, he would have left Louis XVI on the throne as the head of a constitutional monarchy in which popular rights would have been adequately secured.

It was, however, unfortunate for both France and for the United States that, in the period of national development that followed the peace, there were conditions which did much to bring out in the minds of French statesmen a feeling of dissatisfaction with the United States, which continued at least through the remainder of the reign of Louis XVI. Congress was for a while slow in paying its interest. Spain was becoming more and more a dependency of France, and yet Spain's dominions in America were in constant peril from the encroachment of the population of the United States, and Congress refused to recede from its determination to insist on the navigation of the Mississippi.

The great body of the population of the United States, it is true, retained its revolutionary affection for France and its revolutionary resentment to England. Yet, while such was the case, French states-

men were becoming conscious that, paradoxical as it might seem, and bitter as was their disappointment, the profit of the aggrandizement of the United States was inuring to the benefit of Britain and not of France. Even as early as 1786 the French ministry was advised by its envoys at Philadelphia that the proportion of English commerce with the United States to French was eight to one. It was probable that this balance on Britain's side, so they argued, would be increased as time moved on, not merely because the staples and industries of Britain and the United States supplemented each other, but because of national kindred elements of religion, of law, of language, of history, of habit, which made the English Bible the standard of American faith, English jurisprudence authoritative in American courts, English literature the solace of American families, English past heroisms the pride of American patriots, English business ways the ways of American business men. Hence the tone of the instructions from the French ministry, after peace, during the remainder of the reign of Louis XVI became more and more averse to any further aggrandizement of the United States.*

Effect of battle of Saratoga.

§ 44. The official news of the battle of Saratoga, one of the "fifteen decisive battles of the world," to which Sir E. S. Creasy has devoted a treatise, was brought to France by Jonathan Loring Austin, secretary to the Massachusetts board of war, he being appointed for this purpose by the council of Massachusetts.† He sailed on October 30, 1777, and arrived at Nantes after a voyage of thirty-one days. He at once proceeded to Passy, where he was met by Franklin, Arthur Lee, William Lee, Izard, Beaumarchais, and Bancroft. The momentous character of the victory he announced was not made less interesting by the elaborateness of the dispatches in which it and the preceding events were detailed, and the visitors, as well as the envoys, were at once set to work to prepare for transmission to the French and other courts the main papers received. Bancroft in a short time set out for London,‡ to be followed soon by Austin, and this was used by Arthur Lee and Izard as a fact from which speculation in the funds by Franklin's friends, if not by himself, could be inferred. But, as will be hereafter shown,‖ there is every reason to believe that Burgoyne's surrender was known in London before it was

* See particularly a letter from the French cabinet to Otto, Aug. 30, 1787, given in 2 Bancroft's Hist. of Constitution, 438. This "paradox" of combination of bitter political antagonism with close commercial alliance is explained by Talleyrand, with characteristic sagacity and subtlety, in a remarkable letter written by him, at Philadelphia, on Feb. 1, 1795, to Shelburne. This letter appeared for the first time in the Revue D'Histoire Diplomatique for 1889, p. 64.

† As to the military aspects of this battle, see note to letter of Harrison *et al.* to Franklin *et al.*, Oct. 18, 1777, *infra*. As to Austin, see *infra*, § 195.

‡ As to Bancroft's alleged double-dealing, see *infra*, § 196, where the moot question of the time of the arrival of the news is discussed.

‖ *Infra*, § 196.

known in Paris. And, in view of Franklin's relations to the English opposition, there is nothing strange in his communicating to them whatever information he had which would strengthen them in their opposition to the war.*

Recognition of and treaties with the United States.

§ 45. The treaties of alliance and commerce between France and the United States, based as they were on an acknowledgment of the independence of the United States by France, have been elsewhere discussed in their relations to international law.† It is sufficient here to observe that in a general sense the treaty of commerce was absolute and immediate in its effects; the treaty of alliance was eventual, as it was called, or contingent on war taking place between France and Britain.‡ Both bore the same date, of February 6, 1778.§

* After Burgoyne's surrender "it became more and more difficult for the French Government to maintain the equivocal position which it had assumed. The English were incessantly renewing their bitter complaints concerning the pressure of the agents of the *rebels* in France, the welcome given to the American privateers in French ports, and the shipments and expeditions dispatched from France in behalf of the *rebels*. The cabinet of Versailles disavowed the shipments, and caused them sometimes to be suspended; expelled the privateers, which, sent away from one port, entered another; declared that it tolerated the agents of Congress only as simple private individuals; and recriminated against the violations of the flag and the vexations search of French vessels which the English ventured upon on the very coasts of France. July 4, 1777, the minister of the marine signified to the chambers of commerce that he should protect and reclaim the vessels seized by the English on the pretext of commerce with America, and squadrons were fitted out at Toulon and Brest. The minister of foreign affairs meanwhile, in an official reply to the cabinet of St. James, July 15, still protested the fidelity of France to the existing treaties. England answered by proposing a treaty of mutual guaranty for the security of the possessions of the two crowns in America. This impertinent proposition was received with the disdain which it deserved." (2 Martin's Decline of French Monarchy, 381.)

An animated account from the "Hessian" stand-point of Burgoyne's campaign will be found in Briefe aus Neu-England, Schlözers Briefwechsel, 1779, 349 *ff.* See also Trescot's Diplomacy of the Revolution, 39 *ff.*

† Dig. Int. Law, 2d ed., 148; see, as to these treaties, Trescot's Diplomacy of the Revolution, 24 *ff.*, 42 *ff.*

‡ 1 Marshall's Washington, 236.

§ Doniol gives a lively picture of the position of the French and English courts when the question of an alliance between France and the United States approached its decision. France, according to Doniol, was actuated by resentment at British arrogance, by mortification at the humiliations to which she had been subjected by the prior war, and by a belief that if she did not by a treaty insure the continued efforts of the Americans for independence, they would effect a reconciliation with Great Britain, leaving France to bear the whole brunt of British animosity. It was not, however, until Burgoyne's surrender that the French ministry summoned resolution to take the decided step. Doniol asserts that the American envoys endeavored to precipitate action by exaggerating the probability of a compromise between Great Britain and the Colonies. There is no doubt that Franklin sought in every way to impress on France the view that if adequate French aid were not given the Colonies would be obliged to succumb. There is no doubt also that Lord Stormont, in his communications with Vergennes, greatly exaggerated the strength of

Question as to rescinding "molasses article."

§ 46. In the commercial treaty, as originally agreed to, were the following articles:

"ART. XI. It is agreed and concluded that there shall never be any duty imposed on the exportation of the molasses that may be taken by the subjects of any of the United States from the islands of America which belong or may hereafter appertain to his most Christian majesty.

"ART. XII. In compensation of the exemption stipulated by the preceding article, it is agreed and concluded that there shall never be any duties imposed on the exportation of any kind of merchandise which the subjects of his most Christian majesty may take from the countries and possessions, present or future, of any of the thirteen United States for the use of the islands which shall furnish molasses."

These articles were rescinded as follows:

"The General Congress of the United States of North America, having represented to the king that the execution of the eleventh article of the treaty of amity and commerce, signed the sixth of February last, might be productive of inconveniences; and having, therefore, desired the suppression of this article, consenting in return that the twelfth article shall likewise be considered of no effect: His majesty, in order to give a new proof of his affection, as also of his desire to consolidate the union and good correspondence established between the two States, has been pleased to consider their representations: His majesty has consequently declared, and does declare by these presents, that he consents to the suppression of the eleventh and twelfth articles aforementioned, and that his intention is that they be considered as having never been comprehended in the treaty signed the sixth of February last.

"Done at Versailles the first day of the month of September, one thousand seven hundred and seventy-eight.

Act of the United States rescinding the foregoing articles:

"DECLARATION.—The most Christian king having been pleased to regard the representations made to him by the General Congress of North America relating to the eleventh article of the treaty of commerce, signed the sixth of February, in the present year; and his majesty having therefore consented that the said article should be suppressed, on condition that the twelfth article of the same treaty be equally regarded as of none effect; the above-said General Congress hath declared on their part, and do declare, that they consent to the suppression of the eleventh and twelfth articles of the above mentioned treaty, and that their intention is that these articles be regarded as having never been comprised in the treaty signed the sixth of February.

"In faith whereof, etc.

"Molasses" was then the chief article of exportation from the French West Indies to New England, where it was turned into rum, and in that way became a medium of exchange. Many New England tradi-

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the loyalist element in the Colonies and the desire on both sides for reconciliation. But there is not a word from Franklin or his associates which may be construed as indicating that the revolutionary leaders in America were willing to accept of a settlement with Great Britain on any terms short of independence.

The hesitation of the French ministry in 1777 is explained by Doniol by the fear that Great Britain would suddenly offer independence to the Colonies and then turn upon France and Spain the entire force which this reconciliation would liberate, while the English Government, on the other hand, was prompt to suggest to France that such a contingency was not impossible. (2 Doniol, 393, 691 *ff.*)

Another and equally potent reason was the desire of France to get in her fishing vessels with their hardy crews in time to man her cruisers in advance of hostilities.

tions illustrate this; one of Timothy Dexter, making a fortune by buying up warming-pans, then going out of fashion, and sending them, amid the jeers of his neighbors, to the West Indies, where they were sold at a profit for the ladling of molasses; the other of an eminent New England college president, who sent a hogshead of rum to Africa to buy a cook. Now, as the receipt of molasses to New England was of such importance, it seemed to Deane, coming from Connecticut, that it would be a good thing to get France to promise not to lay any impediment in the way of its exportation from the West Indies to the United States. Franklin, willing to oblige Deane, though evidently not so enthusiastic as to the commercial qualities of molasses, acquiesced. When the clause was suggested to the French negotiators the reply was, "What equivalent do you give us?" Franklin, holding, as he always did, that it was a defiance of all sound principles of economy for a nation to tax exports going from its own shores, said, after thinking the matter over, "You bind yourselves not to impose any tax on molasses going from your colonies to the United States; the United States will agree not to tax anything whatever going from the United States to your colonies." Now, in this France gave up something, for she still held to the traditional policy of taxing exports; but the United States gave up nothing, for to them the idea of taxing exports was absurd, and therefore they got molasses free.

But so it did not appear to Arthur Lee, who was in any view not particularly disposed to make a bargain which seemed to favor molasses buyers at the expense of all other interests, and he communicated his dissatisfaction to Izard, who felt still more outraged at such a procedure. The consequence was that Lee bolted, and declared he would not assent to the articles in which the obnoxious provisions were contained. Franklin, feeling that it was not desirable to risk the treaty on a matter so comparatively unimportant, agreed, with Deane's assent, to give up the articles, and Lee hastened to Versailles with a note stating this proposed change. But the treaty was engrossed; it was too late, without great inconvenience and some risk, to make the modification, and all that could be done was to induce Vergennes, who also held that the matter was of little importance, to agree that it should be left optional with Congress to ratify the treaty either with or without the disputed articles. Ratification of the principal stipulations of the treaty was what France asked, and as to which, strange to say, Vergennes felt some anxiety, not being aware how irrevocably independence was resolved on, and with what joy the treaty as a whole would be greeted by Congress, by the army, and by the people of the United States.

But with the treaty came vehement letters from Arthur and William Lee and from Izard, denouncing the twelfth article as a jobbing trick, and as unduly hampering the commerce of the United States as a whole. Congress, having the matter left to its option, and hearing nothing from

Franklin in support of the disputed articles, but learning that he was willing that they should be dropped, dropped them, in which France acquiesced. But the wound was not closed, and for months, if not for years, Franklin's course in forcing into the treaty a clause for the protection of New England rum was the subject of invective by those who followed in this matter Arthur Lee.*

Announcement of treaties to Spain.

§ 47. The following is the substance of a note of January 8, 1778, from Louis XVI to the king of Spain, announcing a determination to treat with the Colonies:

"My sincere desire to maintain that true harmony and system which we (the Bourbon family) should always present to our enemies induces me to explain to your majesty my views as to present affairs. England, our common and inveterate enemy, has been for three years engaged in a war with her American Colonies. In this contest we have not meddled, regarding both parties as English, maintaining open commerce with each. In this way America has been provided with arms and munitions, saying nothing of the supplies of money, which, as a matter of commerce, were also forwarded. England has taken these supplies in bad part; she has not concealed from us that sooner or later she will avenge herself, and she has already seized many of our merchant vessels, of which we have vainly sought the restitution. On our side we have not lost time. We have fortified our most exposed colonies, and have placed our marine service on a better basis—action which has contributed to increase the bad humor of England. The recent destruction of Burgoyne's army and the imperiled state of that of Howe have recently

* As to the discussion in respect to this treaty, see index, title Treaties of 1778; and as to the objection to the "molasses" clause, see *infra*, Lee to Izard, January 28, 1778; Izard to Franklin, January 28, 1778; A. Lee to Franklin and Deane, January 30, 1778; Deane to Congress, October 12, 1778.

In a letter of Arthur Lee, December 13, 1778, to Theodorick Bland (1 Bland Papers, 111) it is said:

"So far, then, were my colleagues from having any peculiar merit in the treaties, that it was with the greatest difficulty I persuaded them to insist on the recognition of our sovereignty and the acknowledgment of our independence. These were proposed by your friend (A. Lee), evaded by his colleagues, and only admitted after being reurged in a manner that made them apprehend the consequences of an opposition they could not justify."

He goes on to say that "Mr. D. (Deane) is generally understood to have made £60,000 sterling while he was commissioner." Whatever may have been Deane's subsequent delinquencies, it is now well known that he came back to the United States penniless. It is worthy of notice that this letter is attested by "H. Ford, secretary," whose treachery was the subject of public action in Virginia. (*Infra*, §§ 150, 151.)

As to Arthur Lee having by his sole efforts obtained from France an acknowledgment of our independence, his memory is at fault, since that acknowledgment was the basis on which the treaty negotiations rested, and that recognition was determined by the king as essential to his own position as early as December, 1777. (See Commissioners to Committee of Congress, Dec. 18, 1777, *infra*.)

made a total change in the relations of the parties. America is triumphant and England depressed, though still maintaining strong military posts within the Colonies, as well as unbroken naval force, hoping, if subjugation be impossible, to establish an efficient alliance with the Colonies. In case of such a reunion the English would not forget our bad offices rendered to them. In this view, as the grievances we have against England are notorious, I have considered, after taking the advice of my council, and particularly of the Marquis d'Ossuno, that it is just and necessary to the insurgents, having proposed to negotiate with them, to treat with them to prevent their reunion with the parent State."

Announcement to Great Britain.

§. 48. On March 13, 1778, the French ambassador at London formally notified Lord North of the treaties of amity and commerce with the United States, who, it was alleged, had been in full possession of the independence proclaimed by their Declaration of July 4, 1776.* With this was coupled the information that no special commercial advantages were given by these treaties to France, and it was further stated that King Louis XVI was confident that his Britannic majesty would find in this avowal fresh proofs of the French desire for peace, and, animated by the same feeling, would take prompt measures to prevent any interruption of French and American commerce. The British ministry replied by immediately recalling from Paris their minister,† and embargoes were promptly laid on French ships in British ports, which was retaliated by an embargo of British ships in French ports.‡

Declaration of war.

§ 49. The formal proceedings consequent upon this action of France are thus stated by Phillimore:

"Pending the conflict between Great Britain and her North American Colonies she complained more than once of the unneutral behavior of France, and the declaration of the Marquis de Noailles in 1778 to the cabinet of St. James, that France

* The fact of the treaty having been made was announced by Fox in the House of Commons ten days after its signature. (*Infra*, § 196.) As to alleged disclosure of the treaty by William Lee and the quarral thereon, see *infra*, § 177; as to Bancroft's supposed agency in the disclosure, see *supra*, § 44; *infra*, § 196.

†7 Flassans, 167.

‡ How George III regarded the French announcement is shown by the following to Lord North, of March 13, 1778:

"The paper delivered this day by the French ambassador is certainly equivalent to a declaration, and therefore must entirely overturn every plan proposed for strengthening the army under the command of Lieutenant-General Clinton with an intent of carrying on an active war in North America. What occurs now is to fix what numbers are necessary to defend New York, Rhode Island, Nova Scotia, and the Floridas. It is a joke to think to keep Pensilvania [*sic*], for we must from the army now in America form a corps sufficient to attack the French islands, and two or three thousand men ought to be employed with the fleet to destroy the ports and warfs [*sic*] of the rebels." (2 Correspondence of George III with Lord North, 148.)

had signed "un traité d'amitié et de commerce" with "les États-Unis de l'Amérique septentrionale, qui sont en pleine possession de l'indépendance prononcée par leur acte du 4 Juillet, 1776," was immediately followed by a declaration of war on the part of Great Britain against France, and, as far as that country was concerned, never was a war declared upon juster grounds. It was declared not on account of the mere establishment of diplomatic relations between France and the North American Colonies, but on account of the long tissue of dark and treacherous machinations which France had begun to weave, under the veil of the strongest professions of amity and good-will, against the peace, honor, and interest of Great Britain on the first appearance of discontent in America in 1765, and which were brought to light by the act which has been mentioned. The fact rests upon the unquestionable authority of the memoirs, since published, of the agents employed by the French Government to excite the rebellion in North America." (2 Phillimore's International Law, 26.)

"To the conduct of France in forming an alliance (in 1778) with the revolted North American colonists of Great Britain attention has been already drawn in an early part of this work, and it has been said, perhaps without sufficient precision of language and in too popular a manner, that this conduct 'was immediately followed by a declaration of war on the part of Great Britain against France.'

"It would have been more correct to say that it was followed by the withdrawal of the English ambassador and the communication of a message from the crown to Parliament, as follows:

"'His majesty, having been informed by order of the French king that a treaty of amity and commerce has been signed between the court of France and certain persons employed by his majesty's revolted subjects in North America, has judged it necessary to direct that a copy of the declaration delivered by the French ambassador to Lord Viscount Weymouth be laid before the House of Commons, and at the same time to acquaint them that his majesty has thought proper, in consequence of this offensive communication on the part of the court of France, to send orders to his ambassador to withdraw from that court.

"'His majesty is persuaded that the justice and good faith of his conduct towards foreign powers, and the sincerity of his wishes to preserve the tranquillity of Europe, will be acknowledged by all the world; and his majesty trusts that he shall not stand responsible for the disturbance of that tranquillity if he should find himself called upon to resent so unprovoked and so unjust an aggression on the honor of his crown and the essential interests of his kingdoms, contrary to the most solemn assurances, subversive of the law of nations, and injurious to the rights of every sovereign power in Europe.'

"A doubtful state of things ensued, fluctuating between peace and war; for in spite of the remonstrance of some of the wisest statesmen of Great Britain—a remonstrance which subsequent events well justified—the French Mediterranean fleet was allowed to proceed to America, where it arrived in July, 1778. There engagements took place between the English and French ships, though no declaration of war was then *known* to have been issued. In the mean while the channel fleet of England, under Admiral Keppel, came into collision with the naval forces of France.

"The English admiral's situation (observes the writer of the History of England in the Annual Register of 1779) was nice and difficult. War had not been declared, nor even reprisals ordered. It was, however, necessary to stop these frigates, as well in order to obtain intelligence as to prevent intelligence being conveyed. Indeed, it seemed a matter of indispensable necessity not to miss the opportunity of acquiring some knowledge of the state, situation, and views of the enemy. But that fluctuation of counsels which, as has been stated, seemed to prevail at that time, joined to the peculiar circumstances of the admiral's political situation, rendered any strong measure exceedingly hazardous. He might have been disavowed, and a war with France might be charged to his rashness or to the views and principles of his party. In this dilemma the admiral determined to pursue that line of conduct which he

deemed right, and to abide the consequences. The subsequent behavior of the French frigates seemed calculated to afford a justification for any measure of violence which he could have adopted, and the celebrated action between *La Belle Poule* and the *Arethusa* and the capture of the *Licorne* took place off Brest on the 17th June, 1778; and then 'the French king made use of the engagement with *La Belle Poule* and the taking of the other frigates as the ostensible ground for issuing out orders for reprisal on the ships of Great Britain, and the ordinance for the distribution of prizes, which, as we have already observed, had been passed a considerable time before, although hitherto kept dormant, was now immediately published. Similar measures were likewise pursued in England as soon as the account of these transactions was received. Thus nothing of war was wanting between the two nations excepting merely its name, or rather the formality of its proclamation.'" (3 *id.*, 100.)

Vergennes' training and character.

§ 50. No American can look without interest at Vergennes' portrait as given by Doniol and in the Magazine of American History for 1885. Grave, sad, thoughtful, anxious, yet full of dignity, it tells of a past of experience and a present of responsibility. It was painted shortly after he became secretary of foreign affairs under Louis XVI, which office he took in 1774, when he was fifty-seven years of age. His public life, as his biographer, Mayer, tells us, had been given to diplomacy. In 1750 he was minister to Treves; in 1752 he went to Hanover as a member of a sort of congress there held under the auspices of George II; in 1755 he was sent to Constantinople as ambassador, where he distinguished himself by singular sagacity and patience in the critical controversies in which the Porte was then engaged with foreign powers. To Sweden he was sent in 1771, to conduct negotiations there to be instituted bearing on the relations of Sweden and Denmark. His simplicity, industry, gravity, and intelligence had won the respect of Louis XVI when dauphin, and it reflected credit both on himself and on that unfortunate monarch that he should have been placed at an early period of the new reign in charge of the foreign affairs of the realm. Vergennes was without court influence; to the young queen he had not, by his prior opposition to the Austrian alliance, commended himself; but the restoration of the French crown to the commanding position which it held in the earlier years of the reign of Louis XIV was his object, to which he devoted himself with an earnest simplicity which soon won for him the entire confidence of the king. For this purpose he was ready to risk a war with England, and for this purpose he labored with unflinching energy and laborious skill to construct a net-work of treaties which he expected would make for France strong allies in the war which might on any day be precipitated. The Bourbon family alliance was renewed and made more stringent by affectionate appeals of the young king to his uncle of Spain, as well as by those calm and strong arguments which Vergennes knew so well how to use. Russia was sedulously and in part successfully courted, and the old leanings of Frederick the Great towards France were revived by a system of delicate attention. By Vergennes was negotiated, aside

from the treaties with the United States, alliances with Holland and Switzerland; he negotiated the peace of Teschen; he became a party to a treaty of friendship between Portugal and Spain; as mediator he procured the adoption of articles of peace between Turkey and Russia and between Holland and the empire; he concluded treaties of commerce with Sweden and Russia, and treaties settling boundaries with the empire, with Liege, with Treves, with Nassau-Saarbrück, with Deux-Ponts, and with Bale. His desire was to see France, while retaining her old dynasty, rising to a level of moral and economical greatness which she had not yet reached. It was not to be that of France rapacious, as in the meridian of Louis XIV; or France frivolous, as in the decadence of Louis XV; but it was to be that of France, absolutist still, developing her great natural resources, multiplying her industries, rebuilding her navy, and restoring her commerce; of France greater in wealth and political power than she had ever been before, but grave, humane, and just, as was the statesman by whom this scheme for her regeneration was designed. To this work it was essential that the revolution in the European system wrought by Britain's absorption of commerce should be arrested, and it could be arrested effectively, he thought, by the wresting from Britain, with at least the acquiescence of other European continental powers, her American colonies.* In this way revolution abroad was invoked to prevent revolution at home. Yet it is interesting to observe that the only one of Vergennes' treaties which remains effective was that sustaining the revolution in America. Those designed to prevent revolution in Europe were in a few years swept away by revolution.

Of Vergennes' integrity the condition of his estate is an illustration. He lived simply, though with generous hospitality, as the journals of our negotiators show. His predecessors had amassed enormous fortunes when enjoying the opportunities he possessed—Colbert, for instance, leaving 100,000,000 of francs, Richelieu and Mazarin untold wealth. What Vergennes left did not much exceed 2,000,000 of francs, a sum which was the legitimate product of royal bounty and of salaries for a long period of an official career of modest though hospitable expenditure. His domestic life, there can be no question, was one of purity as well as of simplicity. But his domestic life gave way to his public duties. To these he devoted himself with unremitting industry. For rest he seems to have had no time. We find him making appointments with our ministers as early as eight in the morning and as late as ten in the evening. Between these periods his work was, as his biographer tells us, almost incessant.

Opinions of Jefferson, Franklin, Eden, and Everett.

§ 51. It may be interesting to notice on this point the views of four distinct observers, three of them personally acquainted with Vergennes, being at the time min-

* As to French motives, see *supra*, § 43.

isters at Paris from the United States and from England, and the fourth subsequently minister from the United States to England.

Jefferson, when in Paris as minister from the United States, thus, on January 30, 1782, writes to Madison:

"The Count de Vergennes is ill. The possibility of his recovery renders it dangerous for me to express a doubt of it; but he is in danger. He is a great minister in European affairs, but has very imperfect ideas of our institutions and no confidence in them. His devotion to the principles of pure despotism renders him unaffectionate to our governments, but his fear of England makes him value us as a make-weight. He is cool and reserved in political conversation, but free and familiar on other subjects, and a very attentive and agreeable person to do business with. It is impossible to have a clearer, better organized head, but age has chilled his heart."

Of Vergennes' death Franklin, on April 22, 1787, writing to Grand, says:

"So wise and good a man taken away from the station he filled is a great loss not only to France, but to Europe in general, to America, and to mankind."*

William Eden, afterwards Lord Auckland, who negotiated with Vergennes the Anglo-French commercial treaty of 1786, thus writes a few days later:

"In other respects also, and in a more serious degree, the death of M. de Vergennes gives me the utmost concern. I have seen many public men of different countries and descriptions, and it is a justice which I owe to the dead, without any disgrace to the living, to say that I never met with any man whose manner of acting, both in official and private life, was to me more satisfactory or more pleasing. During nearly ten months that I had almost daily access to him I never met with any circumstance that gave me even a momentary distrust. In the beginning of our negotiations, when I had a great want of language, he was patient, polite, and encouraging; he gradually became cheerful, cordial, and friendly; and the last morning that I passed with him, which was the last of his doing business, I could not help remarking when I came home that it was impossible for me not to acknowledge that his conduct towards me, from my first arrival to that moment, had been such as to entitle him both to respect and affection. I know that in England we have in some quarters unforgiving feelings relative to him, but I know also that he had great public talents and great private virtues; and in discussion between man and man I always found that he went as directly and as fairly to the point as Mr. Fox himself can do, which is saying much."†

Some years later we have the following summary by Edward Everett:

"Whether the policy which he (Vergennes) pursued was the boldest which he could have adopted no man now possesses the means of judging, certainly not without access to the most secret archives of the French court at that period. But having adopted it, it is but justice to this minister to admit that he pursued it with singular equanimity, firmness, and temper. * * * Strong in the good-natured acquiescence of the king, in the decisive support of the queen, in the gratified animosity of the people to England, and in the public opinion of Europe, the Count de Vergennes

* 9 Bigelow's Franklin, 381.

† Eden to Sheffield, Paris, Feb., 1787, 1 Journal and Correspondence of Lord Auckland, 401.

administered the government with a skill and success rarely allotted to statesmen even of a higher order of mind. His personal qualities come in for no little share of the praise. The patience and good-will of the man helped out the politician and the minister."*

As we shall have occasion to see hereafter, the position taken by him as to the American war was imposed on him not by any confidence in republican institutions or by any sympathy with insurgents, no matter how strong their case might be, but by the conditions which surrounded him. When, however, the position was taken, he loyally adhered to it from grounds of policy as well as of honor.† And what he did he did skilfully, being both cautious and bold, and endowed with a knowledge of European politics at least equal to that possessed by any contemporary statesman.

How far chargeable with duplicity.

§ 52. As will hereafter be seen, Vergennes, through Gerard, his minister at Philadelphia, denied, in January, 1779, that France had given gratuitous assistance to the United States in 1776 through Beaumarchais,‡ and it was further declared by Gerard that the munitions of war previously furnished to the United States came not from the French Government, but from business establishments in France. Yet, on February 25, 1783, it was expressly stated in the "contract" between Franklin and Vergennes of that date‖ that "gratuitous assistance" to the extent of 3,000,000 livres, in the shape of "aids and subsidies," were furnished by the king to Congress before the treaty of February, 1778, of which sum 1,000,000, it appeared, was paid to Beaumarchais on June 10, 1776.

It has been urged that if the last statement was true the first was false; that if the first was true the last was false, and that either way both England and the United States were intentionally deceived by Vergennes. Yet this does not necessarily follow. English history supplies several instances in which subsidies given as loans or consisting merely of government guaranties of private remittances have been subsequently turned into gifts. In the beginning of a war of uncertain duration—such, for instance, as that of the Spanish succession, or that in which Maria Theresa and Frederick the Great were the principals, or that which followed the French revolution—England, when going into a coalition, went into it chiefly as the money partner. She made for herself the best terms she could. She said, "I lend you this money," or she stood behind her own bankers and let them understand that she would see them safe in their advances. Yet, as the struggle became fiercer and her allies became weaker, she was not unwilling to say to them, when their further aid could in no other way be secured, "What

* Edward Everett, 33 North American Review, 473.

† *Infra*, § 54.

‡ See *infra*, § 62, and also Gerard to Congress, Jan. 4, 5, 10, 1779.

‖ See *infra*, § 64.

I first sent to you as a loan or a guaranty I now give; what I now send must be a loan." No one would, on such a condition of things, charge an English minister with falsehood should he on retrospect speak of the first transaction as a gratuity.

Such was very much the condition of things with regard to the French aid to the United States during the revolutionary war. In 1776, for instance, the aid given through Beaumarchais was not only in name but in reality a loan, whatever might have been the case with the money given secretly in Paris to the commissioners. For this there were good reasons. Congress had asked only for a loan, or for supplies of arms and clothing, and had pledged itself to pay for what was given by American produce, then bringing a high price in Europe. Whatever was sent in the way of supplies was sent as a mercantile adventure, to be so paid for; and, as appears by a memorandum of the committee of secret correspondence (hereafter given under date of October 1, 1776), was received as a "loan." And that the French Government should then treat this aid simply as a secret loan or guaranty for which payment should be required in produce there were good reasons. The "insurrection" was in its infancy; the policy of France was no doubt to keep it alive by secret business accommodations, but not until success was in some manner assured to commit herself by supplying it with munitions of war liable to arrest and investigation on the high seas. There would not be this risk with sales of munitions of war through private houses, even though such houses should have been previously subsidized by the government.*

The "exchange" also of French war material for American produce was at that particular moment easily effected. French venders of munitions of war or clothing could buy these supplies cheap in France, or could obtain them on long credits from the government, or even buy them from others with funds which the government might supply on the same principle on which it made advances to other business concerns. On the other hand the Colonies were teeming with tobacco, with indigo, with rice, which could go back in return cargoes, and for which, as we learn from the memorandum of the secret committee above referred to, there was at that time the probability of a safe passage. The speculation, therefore, would be good for both parties, supposing the transaction to be in private hands, they exchanging their surplus produce with the probabilities of great pecuniary advantage at least to the French forwarders.† There is every reason to hold, therefore, that what France supplied to the United States in 1776 was not a gratuity, but a loan or guaranty to be paid by the return of American produce. Nor

* It should be observed that Congress, after receiving Gerard's disclaimer of the royal origin of the supplies received in 1776 and 1777, resolved, on January 12, 1779, that his "most Christian majesty, the great and generous ally of these United States, did not preface his alliance with *any supplies* whatever sent to America."

† See further, as to conflicting statements in this relation, *infra*, § 62 *ff.*, 142.

was there anything strange, in the paternal system of government then existing in France, in the crown supplying funds to private houses engaged in forwarding supplies to America. Subsidies of this kind were and still are, under the paternal system, common in cases in which industries which the government desires to succeed, claim to be unable to succeed without government support. And even governments not supposed to run on the "paternal" system have, in our own days, granted subsidies to lines of steamers on the condition that they should be turned over to the government in case of war.

It must also be remembered that in February, 1783, when the above statment of "gratuitousness" was made by Vergennes, there were many reasons why France should speak of the aid rendered to the United States in 1776 as a gratuity. The United States were in 1783 in desperate pecuniary difficulties. Never had their credit been so low. They had no money to pay to foreign creditors. They had no facilities of their own for sending produce abroad. On the other hand, the Government of the United States, instead of being an uncertain venture, was in 1782 recognized by Great Britain, in the preliminary articles, as an independent power; and if, when, as the critical period of the general pacification drew near, the United States had deserted France, this desertion, dishonorable as it would have been, would have been seriously injurious to French interests. It may have been for these reasons that France should in 1783 have been ready to treat a part of the loan of 1776 as canceled, and have spoken of it, as she did, as a gratuity.

It is also charged that Vergennes suppressed the truth in his conversations with Stormont, British minister in Paris in 1777. In these conversations, however, as reported by Stormont to his government, the vulnerable point of money advances to the Colonies did not come up, Stormont being evidently without information in this line on which he could base an inquiry. What he had to say was with regard to the fitting out of American privateers in French ports and permitting in such ports the sale of prizes made by these privateers. As to this it may be said that whenever he gave timely notice to Vergennes of probable intended performances of this kind Vergennes interfered,* and Vergennes also did not dispute the liability of France to Britain for any negligence in such interference. But beyond this he did not go. He may well have argued that it was the business of a belligerent to give notice to a neutral of the fitting out of privateers in the neutral's ports, not the duty of the neutral to establish an enormously expensive and oppressive police at his ports, to prevent such vessels from sailing. He may well have argued also that, if he had suspicions that such vessels were fitting out, it was not his duty to disclose them, nor was it his duty to tell the British minister that he was making his own preparations to

* See Vergennes to Commissioners, July 16, 1777, *infra*.

intervene in the struggle if he found it was being pressed to an extreme which would be prejudicial to the interests of France and would imperil the peace of the civilized world. He may have well said, "When you were preparing to spring upon us at the outset of the late war, you gave us no notice what those prodigious armaments you were constructing were for, but you waited until the season came when my merchantmen were coming to port with full cargoes, and you then suddenly pounced down on them; and there is no reason why I should not in like manner swoop down on you when the opportunity comes." These reasons Vergennes may have given to his king and his colleagues for his silence as to the preparations going on in French ports. But it is difficult to reconcile the professions of friendship for Britain with which he overwhelmed Stormont and his repudiation of all assistance to the "insurgents" with the fact that he had at that very time given considerable aid to the American commissioners at Paris. Stormont, it is true, while questioning him persistently as to privateers, never asked him as to money contributions to America. The whole drift, however, of Vergennes' numerous conversations with Stormont was that France was governed by friendly feelings towards Britain, and even when French recognition of American independence was announced to the British ministry this was with an expression of trust that this recognition would not impair the friendly relations which so happily existed between the two sovereigns. This, however, may be regarded as a mere formal expression of civility, such as is common to all correspondence, diplomatic as well as social; and in this way these expressions of friendship even as late as the time (1777) when the alliance of France with America was announced, may be cited as showing the pure formality of expressions of this class.

The more serious charge remains that Vergennes, in a conversation with Grenville in Franklin's presence, in the fall of 1782, said that no aid was given by France to America until after a final breach between the Colonies and the mother country. But this conversation was informal and oral; no notes were taken of it at the time; different versions of it come to us; and in such cases great allowances are to be made for the uncertainty of memory. Aside from this, it is not likely that, if this statement was regarded at the time as a material falsification, we would have had from Eden, who was familiar with all the traditions of the British foreign office, so strong a eulogium on Vergennes as that which is quoted above.*

Charge of siding against the United States as to the fisheries and the Mississippi.

§ 53. How far the secret convention of April 12, 1779, between France and Spain conflicted with the treaties of February, 1778, between France and the United States, has been much discussed. As the convention of April 12, 1779, is given us by Doniol (iii, 803) in the shape in

*As to Vergennes' correspondence in respect to America, see index, title Vergennes.

which it was actually executed, it is proper that its true text should be carefully examined, so as to show its effect in this relation.

The preamble and the first two articles state the reasons for the accession of Spain to the war, and the nature of the aid to be rendered.

Then come the following:

"ART. 3. Their Catholic and very Christian majesties renew the obligations of the seventeenth article of the family compact, and in pursuance thereof promise not to either directly or indirectly entertain any proposition from the common enemy without communicating it reciprocally; and neither of the two majesties shall sign with such enemy any treaty, convention, or any document of any kind whatsoever without the prior knowledge and consent of the other.

"ART. 4. The very Christian king (of France), in strict execution of the engagements contracted by him with the United States of America, proposes and requests that his Catholic majesty (king of Spain), on the day he declares war against England, shall recognize the sovereign independence of the United States, and he shall engage not to lay down his arms until this independence is recognized by the king of Great Britain, it being indispensable that this point shall be the essential base of all negotiations for peace which may me instituted hereafter. The Catholic king has desired and still desires to gratify the very Christian king, his nephew, and to procure for the United States all the advantages (avantages) they desire and which it is possible to obtain. But as his Catholic majesty has as yet not concluded with them any treaty by which their reciprocal interests have have been settled, he reserves the right to do so, and to come to an agreement at that time as to whatever bears on the said independence; and from this moment he engages not to conclude nor assist by his mediation any treaty or arrangement with those States, or relative to them, without notifying the very Christian king, and without concerting with him whatever has any connection with the above-mentioned articles of independence.

"ART. 5. In view of the peace and the definitive treaty which result from the war, his very Christian majesty proposes to acquire the following advantages or benefits:

"1°. The revocation and abolition of all the articles of treaties which deprive his very Christian majesty of the liberty which by right belongs to him of erecting such land or water works at Dunkirk as he deems necessary; 2°, the expulsion of the English from the island and fisherieries of Newfoundland; 3°, absolute and unlimited liberty of commerce in the East Indies, and the right to acquire and fortify such factories as his majesty may deem expedient; 4°, the recovery of Senegal, and entire liberty of commerce with Africa outside of the English factories; 5°, the irrevocable possession of the island of St. Domingo; 6°, the abolition or the complete execution of the treaty of commerce concluded at Utrecht in 1713 between France and England.

"ART. 6. If the very Christian king succeeds in becoming master and acquiring possession of the island of Newfoundland, the subjects of the Catholic king are to be admitted to its fisheries, and the two sovereigns for this purpose shall come to an agreement as to the benefits, rights, and privileges which the said subjects of his Catholic majesty shall be permitted to enjoy.

"ART. 7. The Catholic king expects to obtain, on his side, by the war and the consequent treaty of peace, the following advantages:

"1°. The restitution of Gibraltar; 2°, the possession of the river and the fort of Mobile; 3°, the restitution of Pensacola, with all the coast of Florida which extends along the channel (canal) of Bahama; so that no foreign power can have a settlement on this cannel; 4°, the expulsion of the English from the bay of Honduras, and the execution of the prohibition stipulated by the treaty of 1763, of the forming of any settlement on this bay, or in the other Spanish territories; 5°, the revocation of the privilege accorded in that treaty to the English to cut dye-woods on the coasts of Campeachy; and 6°, the restitution of the island of Minorca.

"ART. 8. In case the Catholic king shall succeed in depriving the English of access

to the coast and bay of Campeachy and of the right of cutting dye-wood there, his Catholic majesty shall accord this privilege to the subjects of his very Christian majesty, settling with him as to the advantages, rights, and prerogatives they there enjoy.

"ART. 9. Their Catholic and very Christian majesties promise to use all their efforts to procure and acquire all the advantages specified above, and to continue these efforts until they obtain the end proposed, agreeing mutually not to lay down their arms, and to make no treaty of peace, truce, or suspension of hostilities without having at least obtained and being respectively assured of the restitution of Gibraltar and the removal of the restrictions relative to the fortifications of Dunkirk, or, in default of this article, any other object at the disposal of his very Christian majesty.

It is only recently that the full text of this secret convention, as published by Doniol, has been brought to light. Mr. Bancroft, in the tenth volume of his history, in its earlier editions, summarizes the then current version as follows:

"France bound herself to undertake the invasion of Great Britain or Ireland; if she could drive the British from Newfoundland, its fisheries were to be shared only with Spain. For trifling benefits to be acquired by herself, she promised to use every effort to recover for Spain Minorca, Pensacola, and Mobile, the bay of Honduras, and the coast of Campeachy; and the two courts bound themselves not to grant peace, nor truce, nor suspension of hostilities until Gibraltar should be restored. *From the United States Spain was left free to exact, as the price of her friendship, a renunciation of every part of the basin of the St. Lawrence and the lakes, of the navigation of the Mississippi, and of all the land between that river and the Alleghanies.* This convention of France with Spain modified the treaty between France and the United States. The latter were not bound to continue the war till Gibraltar should be taken; still less till Spain should have carried out her views hostile to their interests. They gained the right to make peace whenever Great Britain would acknowledge their independence."

In the fifth volume of the "author's last revision" of this history (1885), 308, this passage is reproduced, with the omission of the lines marked in italics; while in the next sentence, with one or two merely verbal changes, the words "her [Spain's] views hostile to their interests" are changed to "policy hostile to their interests."

In Circourt's translation of this portion of Mr. Bancroft's history the older rendering of that history is given, and a note is attached to the italicized clause saying that by it Spain intended to revive in their full vigor the most extensive pretensions of the French crown before the treaty of 1763, by which, if made operative in favor of Spain, the whole of the continent around the Gulf of Mexico would have Spain for its sole master.

That the version on which Mr. Bancroft relied is inaccurate in the clause purporting to give the Newfoundland fisheries exclusively to France and Spain will be seen by recurring to the French text of article 6, as given by Doniol and as translated above. That text is as follows:

"Si le roi très-chrétien réusissait à se rendre maître et à s'assurer de la possession de l'île de Terre Neuve, les sujets du roi catholique seront admis à y faire la pêche, et les deux souverains concerteront à cet effet les avantages, droits, et prérogatives dont devront jouir lesdits sujets de sa majesté catholique."

There is nothing whatever in this clause which shuts the United States out from any participation in these fisheries. All that France promises to Spain is a share in the fisheries if they and the adjacent islands fall into the possession of France.

It is true that there was a strong party in France which desired the recovery of at least maritime Canada, with the adjoining fisheries, and that Luzerne and Rayneval, if not Vergennes, were not disposed to aid the United States in obtaining, with Britain, exclusive possession of those fisheries. But while Vergennes was resolved not to aid this claim, he was equally ready to acquiesce in it.

Nor is there anything in the convention to sustain the position, based on the version current before the document was authoritatively published, that France by this instrument put it in the power of Spain to exact from the United States the renunciation of the whole trans-Alleghany region and of the basin of St. Lawrence. This supposed clause, though adopted by Circourt, is omitted by Mr. Bancroft, as is noticed above, in the edition of his excellent history published in 1885, and it is omitted correctly; since, so far from it being included in the convention, it is in conflict with the fourth article, which engages Spain to recognize the "sovereign independence" of the United States, and to obtain for them all possible advantages, reserving for future negotiations between Spain and this new "independent sovereign" the settlement of all questions between them, subject, if touching independence, to the joint action of France. The position of France as to questions between Spain and the United States is shown by the fact that France considered it in no way inconsistent with her engagements under this convention for her to refuse to agree in 1783 to a general peace unless Britain should make definitive the preliminary convention of 1782 with the United States, by which the United States took an undivided share in the fisheries and the entire British title to the Mississippi Valley.

The only stipulation in this secret convention of 1779 which in any way collides with the interests of the United States is the provision as to the river and fort at Mobile and the coast of Florida bordering on the Bahama channel. Now, on the maxim, *Expressio unius, est exclusio alterius*, this allotment of the Florida coast to Spain is an exclusion of any claim to allot to Spain the navigation of the Mississippi and the territory between the Mississippi and the Alleghanies. It must also be remembered, as is justly remarked by Doniol, that while Florida was originally settled by Spaniards, it was in 1779 in the undisputed possession of Britain, and that so far from its allotment to Spain in case it could be wrested from Britain being complained of by the United States, it was given to Spain, on the general pacification of 1783, without any remonstrance by the United States. And the conviction that prevailed as far back as 1777, that the recognition of the independent sovereignty of the United States would necessitate sooner or later the absorption of Florida and of the Mississippi Valley in the new republic,

may explain why the United States made no objection to Florida going to Spain, from which it could be more readily obtained than from England.*

Whether the convention, as above rendered, modified the treaty of alliance of 1778 so as to release the United States from the obligations of that treaty, depends upon the construction we give to the seventh article. In the spurious version of that article, as above noticed, the independence of the United States seems in some way to be made dependent on the restoration of Gibraltar as a condition of peace. But there is nothing in the authoritative document to sustain this construction. All that the parties to the convention agree to is to continue the war, and not to lay down their arms, and to make no treaty of peace, unless assured of the restitution of Gibraltar and the removal of the restrictions on Dunkirk. This agreement, in its terms, excludes the United States from its obligations, and so far from affecting the prior stipulation of France that she would not make peace until the independence of the United States is acknowledged, the convention adds to that stipulation the additional guaranty of Spain; for by the fourth article of the treaty the king of Spain agrees not to lay down his arms until this independence is recognized by Great Britain, which is declared to be the *essential base of all negotiations of peace.* The engagement of France and Spain, therefore, to continue the war until they were satisfied as to Gibraltar and Dunkirk was one which in no way touched the United States. France and Spain were bound, as the "base" on which they acted, to secure the independence of the United States. When, however, that independence was secured, they agreed, by an article made and open to be modified exclusively by themselves, to continue the war until their plans as to Gibraltar and Dunkirk were effected. And that this was a mere bilateral revocable agreement relative to themselves alone, and kept secret as so revocable, appears from the fact that not long after its execution the negotiations between France and Spain show that they regarded it as an informal provisional engagement, which from its nature yielded to the exigencies of war.

In considering how far Vergennes was justified in entering into this convention, we must also remember that at the time of its execution France and the United States were, as will be hereafter shown,† in almost desperate straits. The winter of 1778–'79 and the following spring comprised the darkest period in the war. The credit of Congress was gone. Its active armies were reduced to the small body of troops which were then, half starved and badly clothed, in the huts of Valley Forge. The French fleet in the American waters appeared to

* Time, without treaty, so argued Luzerne in a dispatch to Vergennes, will in forty years fill the valley of the Mississippi with the population of the United States; and, if so, there is no use in hazarding peace for a stipulation which, without being expressed, is one of the necessities of the future.

† *Infra,* § 83.

be paralyzed. In Europe it was incapable, according to Vergennes' statement, of meeting the British, except at a risk he was unwilling to advise. Spain had a navy ready for sea which might turn the balance, and it was essential equally to the United States and France that this aid should be secured. "If the Spaniards," said Washington, writing to Gouverneur Morris, on October 4, 1778,* "would but join their fleets to France and commence hostilities, my doubts would all subside. Without it I fear the British navy has it too much in its power to counteract the schemes of France." Still stronger are Franklin's statements, given in the same period in the following pages. And that this was the conviction of Congress is shown by its proceedings at that period, hereafter detailed, stating how large a price it was willing to pay to obtain the support of Spain. It has been said that the convention of April, 1779, was brought before the American negotiators of the peace of 1782 for the purpose of proving that the treaty of alliance of 1778 was abrogated so far as to enable the United States to negotiate a peace with Britain without consulting France. But to this the answer is that the genuine convention, as above given, was not published until many years after the conclusion of the peace of 1782, and that, even had it been in their hands, there was nothing in it, as we have seen to invalidate the obligations entered into by the United States in the treaty of 1778. It is not improbable, however, that a spurious summary of the convention of 1779 may, under English auspices, have found its way to the American negotiators of 1782, and that this summary may have been the basis of the misconceptions which existed on the subject until the publication of the original text.

Vergennes has been also charged with siding against the United

* 6 Washington's Writings, 81.

In 1781 the British navy was composed of about eighty ships of the line in commission. This fleet much exceeded that of France both in ships and in armament, and hence Britain was able to keep a naval superiority in the American waters down to the alliance between France and Spain. This alliance necessitated the distribution of the English fleet so as to cover Gibraltar and the West Indies and to protect England from an invasion which the ascendency of the allies made feasible. Hence it was that when De Grasse reached the Chesapeake Bay, on August 31, 1781, he was able to bring with him twenty-eight ships of the line and six frigates, giving him control of those waters.

As showing that Congress felt the necessity of the Spanish alliance at the crisis of 1778, Mr. Bancroft gives the following:

"A spirit of moderation manifested itself, especially in the delegation from New York. Gouverneur Morris was inclined to relinquish to Spain the navigation of the Mississippi, and, while he desired the acquisition of Canada and Nova Scotia, asserted the necessity of a law for setting a limit to the American dominion. 'Our empire,' said Jay, the President of the Congress, 'is already too great to be well governed, and its Constitution is inconsistent with the passion for conquest.' Not suspecting the persistent hostility of Spain, as he smoked his pipe at the house of Gerard, he loudly commended the triple alliance of France, the United States, and Spain." (10 Bancroft's United States, 183, citing Gerard to Vergennes, Oct. 20, Dec. 22, 1778. See also Trescot's Diplomacy of the Revolution, 39 *ff.*, 54 *ff.*)

States in the peace negotiations of 1782 in respect to the fisheries and the Mississippi. But, as has been said in another place,* Vergennes' position during the negotions of 1782 and 1783 was at least as difficult as that of William III in the negotiations which preceded the peace of Ryswick. Vergennes was the head of an alliance against England which contained members as dissonant and with interests as conflicting as those which William III combined in the alliance against France of which he was the head. If it was impossible for William III to conclude any treaty which would satisfy each of the allies whom he led—if, in the peace which he actually concluded, it was a matter of course that he should be accused by some of the allies of undue reticence in the communication of peace projects, or of want of fairness in the settlement of such projects—so it was also necessarily the case with Vergennes. In both cases there were the usual pledges of co-operation between the allies; yet it must be remembered that it is for the benefit of all the contracting parties that such pledges are to be liberally construed, since no negotiations on behalf of allies could be conducted if it were understood that such negotiations were to be always by the allies in concert, and that not a word was to be spoken by any one of them in private conference with the common enemy. Such conferences there must be. They were held, and with good results, by Portland and Boufflers prior to the peace of Ryswick; they were held by Vergennes, through Rayneval, with Shelburne; and by Shelburne, through Oswald, with Franklin. It was so from the nature of things, and neither ally had the right to complain that each merely tentative and informal conversation was not at once reported to the other.†

Under these circumstances it was no breach of the treaty of 1778 for France to say to the United States, "While I will sacrifice everything to make good your independence, I trust you will not press your claims against Britain to such an extent as to make peace impossible; that you will not embarrass my title to the fisheries and Canada; and that you will not hazard the alliance by a conflict on your part with Spain as to your western boundaries."

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*Appendix Dig. Int. Law, 2d ed.

†According to a memorandum of Luzerne, given by Sparks, "Rayneval's visit to England has had no other object than to acquire light as to the true intention of the English ministry indicated in the overtures which they had made to us in an indirect manner. The first object of Rayneval's conference was the independence of the United States and the sending of new powers to Mr. Oswald." (78 Harvard MSS.)

The instructions to Gerard, when about to leave for America, are given in 3 Doniol, 153. They were drafted by Rayneval, but were corrected and expanded by Vergennes. The United States were to be asked to agree to give Florida to Spain in case she should come into the alliance. In a letter from Rayneval to Monroe, of November 14, 1795, he declared that the independence of the United States was, by his instructions, in his visit to Shelburne in 1782, the sole object for which he was authorized to treat, and that he was enjoined to make no stipulations limiting American possessions. In his report of his proceedings to Vergennes (3 Circourt, 42, 49), he professes to have followed his instructions.

It must be remembered, when we consider the rightfulness of Vergennes using his influence to induce the United States not to make the surrender by Spain of the Mississippi Valley a condition of peace, that the stipulation of France in her treaty with Spain as to Gibraltar was just as stringent as her treaty with the United States as to independence; and that, in addition to this, France engaged, in her treaty with Spain, to use every effort to obtain for Spain, Minorca, Pensacola, Mobile, and the Campeachy coast. Vergennes' correspondence shows that, in acting as arbiter between Spain and the United States, he did not lean towards Spain. He compelled Spain to give up the stipulation as to Gibraltar and to moderate her other demands; while he told the United States that France would never lay down arms until the stipulation of independence was satisfied. It must also be remembered that when he urged the United States not to make peace depend upon acquisition of the Mississippi Valley, he was sustained by Gouverneur Morris and Jay (the latter being President of Congress), who held that at that time the United States had territory enough.* Nor, once more, did Vergennes at any time ask that Congress should surrender its title to the Mississippi Valley. All he asked was that that title should not be insisted on as a condition of general pacification. His views in this respect prevailed; nor did the United States thereby suffer. From the nature of things, under the ordinary laws of population, the Mississippi Valley was bound to belong to the United States. Aside from this, the United States, under the preliminaries of 1782, took whatever title Britain had to that valley; and eminent British statesmen, with prophetic forecast, did not hesitate to say that it would be far better for the interest of England to have that great valley thrive as a new and important factor in commerce under the active hands of Anglo-Americans than have it continue torpid under the pall of Spain. Nor did Vergennes, when he had the opportunity to give effectual aid to Spain in this respect, by protesting against the British cession of the Mississippi to the United States in the preliminary articles, give that aid. From Sparks on this point we have the following statement, which is borne out by the full correspondence now before us:

"I have read in the office of foreign affairs in London the confidential correspondence of the British ministers with their commissioners for negotiating peace in Paris. I have also read in the French office of foreign affairs the entire correspondence of the Count de Vergennes, during the whole war, with the French ministers in this country, developing the policy and designs of the French court in regard to the war and the objects to be obtained by the peace. I have, moreover, read the instructions of the Count de Vergennes when Rayneval went to London, and the correspondence which passed between them while he remained there, containing notes of conversations with Lord Shelburne, on the one part, and Count de Vergennes' opinions on the other. After examining the subject with all the care and accuracy which this means of information has enabled me to give to it, I am prepared to express my opinion that Mr. Jay was mistaken both in regard to the aims of the French court and the plans pursued by them to gain their supposed ends." (8 Dip. Corr. Am. Rev., 209.)

* See Bancroft's United States, 305; *infra*, § 86.

When France was notified of the signing of the preliminary articles, she continued, though she had reasons to complain of the mode of negotiation, to sustain the United States with pecuniary aid, and did her best to satisfy Spain with the conditions the United States had obtained, derogatory as they were to Spain.*

Vergennes' fidelity to his engagements to America in respect to independence was put to a final test in 1783, when the British Government suggested to France and Spain definitive terms of peace which would exclude America. Fox was averse to making the preliminary articles final, holding that America, at the best, had not yet a permanent government and might wait; and it was even intimated that France, by acceding to this position, would obtain better terms than were otherwise obtainable. Spain, whose moody dislike of American independence grew with time, was quite ready to accede to this view. Vergennes might readily have set up the American separate preliminary pacification of 1782 as an excuse for entering into a French separate definite pacification in 1783. But his answer was emphatic and decisive. "I will not," so he substantially said, "sign any definite treaty of peace unless the American preliminaries of 1782 are made final." They undoubtedly gave America concessions which were to him unexpectedly large. But these concessions, large as they were and prejudicial as they were to Spain, he insisted on in 1783 at the risk of renewal of the war.†

In instructions to Luzerne of December 21, 1782, Vergennes speaks of an interview he had with Franklin, explanatory of the "irregularity" involved in the separate action of the commissioners in the peace negotiations. According to Vergennes, Franklin stated that the commissioners had not the slightest intention of doing anything in derogation of their engagements to France, and that they would deeply deplore any diminution thereby of the regard shown them by the king. Vergennes speaks of the interview as being kindly on both sides, and the explanation as accepted by him.

His fidelity to American independence.

§ 54. The course of reasoning which led Vergennes to the conclusion that the independence of the United States must be acknowledged and supported has been already considered.‡ Of his fidelity to the pledge made by him not to make peace until the independence of the United States was acknowledged by Britain there can be no question. France resisted every possible influence brought to bear on her to desert the Colonies and to make a separate peace. It must at the same time be remembered that the same motives of policy which induced France to enter into the war operated with increased strength to induce her to continue it till the Colonies formed an independent empire. It is interesting to observe that Chatham's policy of peace and a federal union with the Colonies was opposed by both George III and Vergennes. George III opposed it with obstinate vigor, partly from his hatred to liberty, partly from his hatred to Chatham, and he succeeded in defeating it in Britain. Ver-

* *Infra*, § 109. † See Bancroft's Hist. of Constitution, 68. ‡ *Supra*, § 39.

gennes opposed it because it would make Britain irresistible at sea and enable her to concentrate her forces and those of her reconciled colonies against France. That the United States would have been guilty of the perfidy of a separate peace with Britain could not be readily assumed; yet in the war of the Spanish succession cases of such perfidy had occurred, and Vergennes' earnestness in stipulating for independence increased proportionally with the danger which would accrue to France if America should return to the British fold. Yet this should not make us forget that the cause of independence was supported by Vergennes before war began and at the risk of war, and that this support was continued by him when the war was closing, though he was promised advantageous terms if he would make a separate peace with Britain and abandon America to her fate.*

His relations to Beaumarchais.

§ 55. The episode of Beaumarchais, which will be considered in detail in the following sections, was a survival of the secret diplomacy of Louis XV, for a short time exercising an extraordinary influence in the first period of the reign of Louis XVI. Louis XVI, on reaching the throne, found the machinery of secret diplomacy so ingeniously constructed by his predecessor in full operation; and, as we will see, for one or two delicate inquiries at the outset of the new reign, Beaumarchais, who of all the diplomatists of this peculiar breed was the most adroit and fertile in expedients, was well fitted. Hence came his employment, and from his employment came his suggestions, full of brilliant wit and effective reasoning, as to America. But the antagonism between him and Vergennes was too marked to permit sustained political relationship; and when Franklin entered into diplomatic life in Paris Beaumarchais ceased to take a prominent political position. And even during the period of Beaumarchais' greatest activity it must be remembered that he was not technically Vergennes' subordinate. It was one of the peculiarities of the secret diplomacy of Louis XIV and Louis XV, as depicted by Broglié in his admirable treatise on that topic, that even the existence of the secret agent was not to be supposed to be known to the king's

* See 2 Doniol, 60.

The diplomatic correspondence of Vergennes relative to America in 1775 is given at large in Doniol's great work, and in part in the appendix to the French edition of De Witt's Jefferson and Democracy, and an abstract of the same correspondence is given in the English translation of the same work, page 383 *ff*. See also index, title Vergennes.

Vergennes' sincerity is illustrated by the following passage from a confidential letter to him of January 11, 1782, by Montmorin, French minister at Madrid:

"That which I believe indispensable is to lose no occasion of inculcating on Spain that we can not consent to peace without the establishment of the independence of the United States. There will lie the great difficulty when the time shall come for serious negotiation, and I have no doubt Spain will see with chagrin their independence established." (1 Bancroft's Hist. of Constitution, 290, where other papers to the same effect are given.)

ostensible ministers.* This was not the case with Beaumarchais; but at the same time Beaumarchais' political influence ceased, as we will see, when, on the arrival of Franklin, Vergennes, with Franklin's aid, took control of Anglo-American diplomacy.

Beaumarchais: personal characteristics.

§ 56. Beaumarchais, as a dramatist, while equal to Sheridan in wit and knowledge of stage effect, produced in the Marriage of Figaro, exposing the wrongs and absurdities of the old régime, a political and moral result which Sheridan's dramas did not even attempt. Beaumarchais also, in his controversy with regard to the Maupeou Parliament, published pamphlets rivaled in polemic literature only by Swift's "Draper Letters," and, like Swift, he was able to address a ministry in terms of free and vivid argument which compelled a hearing, if not assent. He may have been as trifling as Scarron in social life, but in political intrigue he had the subtle tact of Talleyrand. He had a prophetic power which few statesmen of his day possessed. He exposed in the Marriage of Figaro the crater over which France was then suspended. He was the first political writer of his day to develop in popular terms the position that it was through America that the balance of European power was to be adjusted. Nor were his powers simply speculative. For nearly a year prior to the arrival of Franklin he was the exclusive business agent under whose superintendence supplies were sent to America, and by these supplies the American armies received materials without which they could not have at the time maintained themselves in the field.

Opinions of Martin and Guizot.

§ 57. Martin, in his History of the Decline of the French Monarchy, thus writes:

"The French Government, which felt the blast of war whistling about it, and which dreaded this war, was a prey to lively anxieties. Public opinion bore upon it forcibly. Counsels and incitements came to it from all sides. Among the numerous memorials addressed to the king by private individuals we remark two written by a man of ardent and daring mind, of restless and stormy renown, of questionable character, and of prodigious activity—that Beaumarchais, who was to some only a dangerous intriguer, suspected of pretended crimes, and to others—to the majority—the heir presumptive of Voltaire and the successful conqueror of the Maupeou Parliament. Employed by Louis XV in the secret diplomacy, he had numerous relations with the different English parties, and was allied at once with one of the ministers and with the demagogue Wilkes. In his first memorial (September 21, 1775) he exaggerated the internal perils of England, which he depicted as on the eve of revolution. Politicians have often fallen into this delusion at the sight of disturbances which would suffice to overthrow other governments, but which here produce only a momentary commotion, owing to the habits of legal order and the safety-valves open to the ebullition of popular feeling. Beaumarchais saw more clearly concerning America, which he declared lost to the mother country. In the second memorial (February 29, 1776) he sought to demonstrate the necessity of succoring the Americans if it was desired to save the French West Indies, and even to preserve peace. Victorious, England would fall back on our islands; vanquished, she would make the same attempt to

* See *infra*, § 59.

indemnify herself for her losses. Should the parliamentary opposition prevail and reconcile the two Englands, they would unite against us. It was only possible to preserve peace between France and England by preventing peace between England and America, and counterbalancing the forces of both parties by secret aid to the Americans. He proposed to succor America through the medium of private individuals, who were to be pledged to secrecy.

"The minister of foreign affairs (Vergennes) hesitated long; the king and Maurepas still longer. The annoyances and acts of violence of the English navy towards our shipping caused Beaumarchais, who wrote letter after letter to the king and minister, to gain ground."*

Guizot (1870) writes as follows:

"Peter Augustin Caron de Beaumarchais, born at Paris on the 24th of January, 1732, son of a clock-maker, had already acquired a certain celebrity by his lawsuit against Councillor Goëzman before the parliament of Paris. Accused of having defamed the wife of a judge, after having fruitlessly attempted to seduce her, Beaumarchais succeeded, by dint of courage, talent, and wit, in holding his own against the whole magistracy leagued against him. He boldly appealed to public opinion. 'I am a citizen,' he said; 'that is to say, I am not a courtier, or an abbé, or a nobleman, or a financier, or a favorite, nor anything connected with what is called influence (puissance) nowadays. I am a citizen; that is to say, something quite new, unknown, unheard of in France. I am a citizen; that is to say, what you ought to have been for the last two hundred years; what you will be perhaps in twenty!' All the spirit of the French revolution was here in those most legitimate and at the same time most daring aspirations of his.

"French citizen, as he proclaimed himself to be, Beaumarchais was quite smitten with the American citizens; he had for a long time been pleading their cause, sure, he said, of its ultimate triumph. On the 10th of January, 1776, three weeks before the declaration of independence [*sic.*], M. de Vergennes secretly remitted a million to M. de Beaumarchais; two months later the same sum was intrusted to him in the name of the king of Spain. Beaumarchais alone was to appear in the affair, and to supply the insurgent Americans with arms and ammunition. 'You will found,' he had been told, 'a great commercial house, and you will try to draw into the money of private individuals. The first outlay being now provided, we shall have no further hand in it; the affair would compromise the government too much in the eyes of the English.' It was under the style and title of Rodrigo Hortalez & Co. that the first installment of supplies, to the extent of more than three millions, was forwarded to the Americans; and notwithstanding the hesitation of the ministry and the rage of the English, other installments soon followed. Beaumarchais was henceforth personally interested in the enterprise; he had commenced it from zeal for the American cause and from that yearning for activity and initiative which characterized him even in old age. 'I should never have succeeded in fulfilling my mission here without the indefatigable, intelligent, and generous efforts of M. de Beaumarchais,' wrote Silas Deane to the secret committee of Congress. 'The United States are more indebted to him on every account than to any other person on this side of the ocean.'"†

Opinions of Loménie, Doniol, and Stillé.

§ 58. In Loménie's Beaumarchais and His Times (1855), a work which won for the author a seat in the French Academy, we have the following:

"The French ambassador at London was then the Count (afterwards the Duke) de Guines, a man of wit and pleasure, but of very ordinary capacity, whose information,

*2 Martin's History of the Decline of the French Monarchy, 373, Booth's translation.)

†5 Guizot's History of France, 372, English translation. See also criticism by Frout de Fontpertius in his work, Les États-Unis, 298.

derived as it was from the English ministers and accepted without being verified, inspired but little confidence. Hence it was necessary for the French Government to have recourse to every source of information and to send various agents to London. Beaumarchais, as was his custom, put himself forward; he had given satisfaction by the skill with which he had treated the affair of d'Eon's papers, which had been standing over several years. This affair, not being yet completely terminated, presented a natural pretext for sending him to London, where he had the advantage of being intimate at the same time with the most opposite parties. It will be remembered that ten years previously, in the course of his residence in Spain, he had been the favorite of Lord Rochford, who was then ambassador at Madrid and a great musical amateur. Beaumarchais used to sing duets with him, and had always kept up his intimacy with him as much as possible. Now in 1775 Lord Rochford happened to be minister of foreign affairs in Lord North's cabinet, and Lord Rochford was not a model of discretion, to judge by the following lines which I extract from a dispatch wherein M. de Vergennes characterizes the English minister with his prudent and calm manner: 'If,' he writes, 'the idea we have formed of Lord Rochford is correct, it can not be difficult to make him say more than he intends.' Beaumarchais, in fact, knew very easily how to make Lord Rochford speak out. It is true that this minister was replaced at the end of 1775, but he always remained a very influential man, living on terms of intimacy with George III, and consequently well worth listening to."*

Doniol (1886), unlike those of his predecessors who discuss this portion of French history, does not pause to dilate on Beaumarchais' personal characteristics. To him Beaumarchais is a political agent, distinguished first for his shrewdness in picking up in London the secrets of English policy, and afterwards for his boldness and vivacity in presenting to the French king appeals calculated to strengthen the views of intervention which Vergennes had already adopted. Beaumarchais, so Doniol says, was able, when in London in 1775, not only to have access to leading members of the opposition, but through his intimacy with Lord Rochford, whom he visited as an old convivial friend, to gather secret details as to the ministerial policy.† In this way, according to Doniol, the French Government succeeded, through Beaumarchais, in obtaining, presented in the most vivid form, information of the inner workings of English politics, of which through Guines, the resident ambassador, it learned only the outer appearances.

Of Beaumarchais an accomplished American writer‡ says:

"He was the greatest dramatic author of his day, in the sense that he wrote a comedy (Le Mariage de Figaro), which did more to open men's eyes to the monstrous evils of the government under which they lived than any other literary work of the time. He was, besides, a secret diplomatic agent, employed by two kings of France in negotiations of the utmost delicacy, which, in order that they might reach a successful issue, required that absolute confidence and trust should be placed in his secrecy and honor (a trust which, we ought to say, seems never to have been misplaced). He was the hero of many lawsuits, which, owing to their connection with the general politics of the time and to the brilliant way he managed them, gave him a European reputation; yet he had been condemned by the parlement de Paris to an infamous punishment for having produced in one of these lawsuits a receipt or discharge of a

* 3 Loménie's Beaumarchais and His Times, 106, English translation.

† 1 Doniol, 133.

‡ C. J. Stillé, LL.D., 2 Penn. Mag. of Amer. History, 1.

debt which that court had pronounced supposititious; while by his keen satire of existing abuses he was thought by not a few, including the king, to be really undermining the foundations of the throne which he was professing to serve. To many he seems only a vain, ever active, unscrupulous intriguer, employing without hesitation lying and mystification whenever necessary to accomplish his object, which is assumed to have always been his self-advancement and the gratification of an inordinate vanity for making himself talked of. By others he is thought chiefly responsible for the success of two revolutions—that of France, by holding up in the full light of day before the average Frenchman monstrous evils which had never before been so vividly portrayed, and that of America, by the energy which he exhibited in supplying us with arms and clothing for an army of twenty-five thousand men; supplies which, we must admit, were essential to our military success against Great Britain. In France, in the highly feverish condition of things which existed just before the outbreak of the revolution, he was undoubtedly one of the foremost leaders of public opinion, his denunciation of practical abuses, which every one recognized, reaching classes of the people wholly unaffected by the humanitarian doctrines of Diderot and Rousseau; and for his aid to America in the hour of her sorest need, whatever may have been his motive or however questionable may have been some of his proceedings, we should never cease to be profoundly grateful."

Beaumarchais as a secret diplomatist.

§ 59. The employment in this mission of Beaumarchais, a play-writer and a man of by no means sedate political antecedents, has been sometimes regarded as showing something like levity in the French ministry when considering so grave a question as that of alliance with the American insurgents. But play-writing gifts can not be cited as a bar to the political promotion of Beaumarchais. Cowley, the author of Love's Riddle and of the singularly grotesque Naufragium Joculare, was sent by Charles I to Paris in 1646 as secret adviser and secretary to the queen at that most critical era; Prior, the author of the burlesque City Mouse and Country Mouse, was ambassador at Paris in 1712; Sheridan, who was at an important crisis confidential adviser of the Prince of Wales, who took part, as we will see, in the diplomatic correspondence preceding the preliminaries of 1782, and who surpassed Beaumarchais in social recklessness, was the author of the School for Scandal. Burgoyne was the author of volumes of plays, and was conspicuous, long before he took the field in America in 1777, as a leading theatrical amateur. Cumberland, who went as special secret envoy to Spain in 1780, and whose intrigues when there so much puzzled Carmichael and Jay, was at his appointment known almost exclusively as a dramatist of singular fecundity. If Beaumarchais' early life was Bohemian, and his early writings were sometimes tawdry and deficient in taste, the same may be said of Disraeli. But of Beaumarchais it may certainly be said that whatever may have been the character of his early adventures and publications, he brought proof, at the time he became the confidential agent of the French Government in 1776, of the most consummate skill and indefatigable energy in the management of secret diplomacy in the various ramifications it then assumed. And we must remember that under the remarkable system inaugurated by Louis XIV and carried to its com-

plete development by Louis XV, it was by secret as distinguished from ostensible diplomacy that the politics of Europe were then worked. The secret political diplomatist was particularly contrasted with the ostensible diplomatist in this: That while the latter, who had little discretionary power, exhibited himself in but one attitude, that of the stately envoy representing his sovereign with profuse courtesy to the court to which he was sent, the former, the secret diplomatist, was from the nature of things protean in his character, and often, if not hiding his powers under the guise of a merchant, using a merchant's facilities as the means by which these powers were to be exercised. It is for this reason that, while ostensible diplomacy was prancing without advancing, to adopt Tallyrand's description, secret diplomacy, at least in this matter of approaches to America, was advancing without prancing. All that was observed of French diplomacy in England was the parade courtesy of Guines, the avowed ambassador. That which operated effectively was the private information collected and reported by Beaumarchais, the secret diplomatist.*

Reports as to America.

§ 60. It was to Beaumarchais, according to Doniol,† that the acquiescence of Louis XVI in Vergennes' policy of aid to the colonists was due. Two months, he tells us, after his departure for London, at the end of November, 1775, and again on January 1, 1776, Beaumarchais returned to Paris, and addressed to Vergennes appeals for action as vigorous as they were vivid. These letters, with a detailed report now not to be found, were presented by Vergennes to the king on January 22, 1776, and, together with papers coming in at the same time showing Guines' Anglican tendencies, led to Guines' recall. His successor was to be Noailles, who was not to leave France for six months, the legation remaining in the mean time in the hands of Garnier, who was devoted to Vergennes. It was on the information obtained through Beaumarchais, however, that the ministry chiefly relied in discussing the question of its duty in the American contest. But, according to Doniol, it was by his memorial entitled La Paix ou la Guerre, addressed "au Roi seul," that Louis' repugnance to interposition was overcome. This memorial is reprinted by Doniol, and no one can read it without regarding it as, for its purpose, one of the most powerful political papers ever prepared.

Roderique Hortalez & Co.

§ 61. The Roderique Hortalez scheme, so far as sanctioned by the French ministry, was this: A mercantile house (really Beaumarchais, nominally Hortalez & Co.) was to be started in Paris, for the purpose of "selling" to the Colonies military supplies which France could not, without open breach of neutrality, furnish in her own name. To encourage this enterprise France

* As to Beaumarchais, see further 7 Winsor's Narratives, etc., 27. † 1 Doniol, 251.

and Spain each gave to the "mercantile house" one million of francs, while the "house" was to be permitted to purchase on unlimited credit military stores to be forwarded to Congress.* On the face of this transaction there was, according to the principles of international law now established, no breach of neutrality. The subjects of a neutral power have the right (subject to the chance of seizure as contraband) to sell to a belligerent military stores without involving their sovereign in a breach of neutrality; and there is no necessary breach of neutrality involved in subsidies being granted by sovereigns to a house engaged in the manufacture or purchase of such stores, provided this be not for the purpose of taking part in a war between belligerents with whom such sovereign is at peace.

It was to establish an agency by which supplies could be forwarded to America under the above limitations that the genius of Beaumarchais was next turned.

A firm, under the title of Roderique Hortalez & Co., was to be organized for the purpose of buying and selling military stores.

The Hotel de Holland, which was selected as the office of the firm, was an imposing structure, in striking contrast to the plain and unpretentious edifices in which great European bankers were then and still are accustomed to do business. The Hotel de Holland had been erected by the Dutch Republic, in one of its intervals of pacification with Louis XIV, as the residence of their minister at the French court; but for many years it had remained untenanted. In August, 1776, however, it displayed the name of "Roderique Hortalez & Co.," and clerks and servants who occupied it declared that Roderique Hortalez was a great Spanish banker. In the counting-room, however, he could never be found; but it was easy to find Beaumarchais there whenever a confidential inquiry was made or a confidential direction given. His secrecy in prior clandestine employments had been, it was supposed, well tested; and it may have been naturally inferred that to Lord Stormont the very employment of a man so volatile and so without known business experience would have appeared conclusive of the political unreality of the whole enterprise.†

* As to the question of international law involved, see *infra*, § 100 *ff.*; as to Vergennes' "duplicity," see *supra*, § 52.

† See 2 Parton's Franklin, 168 *ff.*, for an entertaining sketch of Beaumarchais as a merchant.

"Beaumarchais," says his biographer (Loménie), "was told that the operation must essentially, in the eyes of the English Government and even in the eyes of the Americans, have the appearance of an individual speculation, to which the French ministers are strangers. That it may be so in appearance, it must also be so to a certain point in reality. We will give a million secretly; we will try to induce the court of Spain to unite with us in this affair, and supply you on its side with an equal sum; with these two millions and the co-operation of individuals who will be willing to take part in your enterprise, you will be able to found a large house of commerce, and at your own risk can supply America with arms, ammunition, articles of equipment, and all other articles necessary for keeping up the war. Our arsenals will give

Question how far Beaumarchais' shipments were on his own account.

§ 62. As to whether the supplies received by Congress from Beaumarchais were sent on his own account or on that of France, Congress had some reason to be in doubt. Arthur Lee, as we have seen, took the ground that the supplies were sent gratuitously by France,* while

you arms and ammunition, but you shall replace them or shall pay for them. You shall ask for no money from the Americans, as they have none; but you shall ask them for returns in products of their soil, and we will help you to get rid of them in this country; while you shall grant them, on your side, every facility possible. In a word, the operation, after being secretly supported by us in the commencement, must afterwards feed and support itself; but, on the other side, as we reserve to ourselves the right of favoring or discouraging it, according to the requirements of our policy, you shall render us an account of your profits and your losses, and we will judge whether we are to accord you fresh assistance or give you an acquittal for the sums previously granted." (3 Loménie's Beaumarchais, and His Times, 127.)

In Beamarchais' memorial to Vergennes of February 29, 1776, is the following:

"If it be replied that we can not assist the Americans without wounding England and without drawing upon us the storm which I wish to keep off, I reply in my turn that this danger will not be incurred if the plan I have so many times proposed be followed—that of secretly assisting the Americans without compromising ourselves; imposing upon them, as a first condition, that they shall never send any prizes into our ports and never commit any act which shall tend to divulge the secret of the assistance, which the first indiscretion on the part of Congress would cause it instantly to lose. And if your majesty has not at hand a more clever man to employ in the matter, I undertake and answer for the execution of the treaty without any one being compromised, persuaded that my zeal will supply my want of talent better than the talent of another man could replace my zeal." (3 Loménie's Beaumarchais and His Times, 122.)

The correspondence in 1776 between Beaumarchais and Vergennes is given in full in 2 Doniol, 89 *ff.*

Deane's letter of December 2, 1776, to Aranda, announcing the Declaration of Independence, as translated by Beaumarchais and then forwarded to Vergennes, is given in 2 Doniol, 91.

Of the results of Beaumarchais' agency Henri Martin thus speaks:

"The personal favor of Beaumarchais with Maurepas, whose senile frivolity he charmed, did more, perhaps, than the best reasons of state. A million livres was secretly given to Beaumarchais to establish a commercial house for the purpose of supplying America with arms, munitions, and military equipments. [In a note it is said: "This was a secret even to the Americans. According to a letter from M. de Vergennes to the king, May 2, 1776 (see 7 Flassans, 149), direct pecuniary assistance was transmitted to Congress under cover of some one by the name of Montaudoin."] The arsenals were to be open to this house; but it was bound to replace or to pay for the articles delivered to it. The Americans were to repay these advances in produce, with the necessary time and facilities. (June, 1776) Beaumarchais obtained a second million from the Spanish Government on the recommendation of the cabinet of Versailles, and three millions more from the ship-owners with whom he was associated, and launched into an enterprise in which the lover of progress and the sympathizer blended strangely in him with the speculator. He loved everything—renown, money, philosophy, pleasure, and noise above all else. Other commercial houses were likewise assisted with money for the same purpose. The American agent, Silas Deane, who had arrived meanwhile at Paris, was *officially* refused the two hundred cannon and the arms and equipments for twenty-five thousand men which he solicited from

* See, however, as to this *infra*, § 142.

Franklin and Deane insisted that Beaumarchais sold them on his own account, as would any other private merchant. But, aside from the authority of Arthur Lee, there was something in the character of Beaumarchais and in the papers he sent to Congress which may excuse its members from suspecting that the transaction was not of a business type. They must, for instance, have looked with puzzled eyes on the

France, but was *semi-officially* referred to Beaumarchais, who procured everything, even to artillery and engineering officers, with the cannon, to aid the Americans in making use of them. Among the officers of different arms of the service who enlisted through this medium are remarked the names of Casimer Pulaski, the Polish hero, and La Rouarie, who was afterwards the first organizer of the counter-revolutionary insurrection of La Vendée." (2 Martin's Decline of French Monarchy, 376, Booth's translation.)

Mr. Parton estimates that Beaumarchais, within twelve months from the beginning of his duties, "succeeded in dispatching to America eight ship-loads of warlike stores, valued by himself at more than six million of francs. The capital which enabled him to achieve this great result was composed, first, of the million received from the French treasury in June 1776; secondly, the million granted by the Spanish Government, which Beaumarchais received in September of the same year; thirdly, another million from the treasury of France in 1777. The stores taken from the royal arsenal were equivalent, perhaps, to a fourth million, and the rest may have been furnished by friends and speculators." (2 Parton's Franklin, 1196.)

"A letter from M. de Vergennes to Louis XVI, a letter from Louis XVI to the King of Spain, published in M. de Flassan's Histoire de la Diplomatie Française, and some other documents found among Beaumarchais' papers, induce me to think that different merchants did in fact receive subventions like Beaumarchais, and for the same end." (3 Loménie's Beaumarchais and His Times, 135.)

The correspondence given by Loménie shows that, to state Loménie's conclusion, "in granting secret aid to the commercial company founded by Beaumarchais, M. de Vergennes did not intend that the operations of this house should have only a fictitious commercial character. It proves, in fine, that there was an intention of assisting several real merchants; it also proves that the minister thought the enterprise would support itself with the money, and that it would be kept up by the profits resulting from the returns in kind, on which Beaumarchais had a right to count, according to the formal engagements entered into by the agent of the Congress." (3 *id.*, 138 *ff.*)

That other funds besides those of the government were given to "Hortalez & Co." to invest in produce to be sent to the United States appears from Beaumarchais' correspondence, as given by Loménie, and the character of those investments shows that they were made with the expectation of profits which no doubt Beaumarchais exhibited in the most cheerful lights. That Beaumarchais paid for at least part of the supplies obtained from the French arsenals appears from a letter from St. Germain, secretary of war, dated August 25, 1776, to Vergennes, as cited by Loménie:

"This company [Hortalez & Co.] will pay in ready money for the cannon at the rate of forty sous per pound of metal; the cast-iron at the rate of ninety francs per thousand, and the guns at twenty-three francs. In case it should ask for time, it would give good security." (3 *id.*, 152, 164–172.)

The papers published by Flassan, Loménie, and Doniol show that not only was the house of "Hortalez & Co." a business agency in reality as well as in appearace, but that other merchants received "subventions" for the same purpose of selling abroad on easy terms munitions of war.

"I have before me," says Loménie, "a general catalogue of his affairs from the 1st of October, 1776, until the 30th September, 1783; that is to say, during the seven years which represent more particularly his commercial career. This catalogue shows that money passed through his hands to the amount of 21,044,191 livres in disbursements,

Hortalez letter of August 18, 1776, given hereafter under its proper date. We may now think that Beaumarchais, in view of it possibly falling into British hands, couched it in terms purposely extravagant and mystifying; but we may nevertheless understand why Loménie should write of this letter as follows:

"Only imagine serious Yankees, who had nearly all been traders before becoming soldiers, receiving masses of cargoes which were frequently embarked by stealth dur-

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and of 21,092,515 in receipts; the surplus, then, of the receipts over the disbursements was only 48,327 livres. It is true the expenditure relates to several enterprises which at a later period would bring in receipts; but the slight surplus of expenditures over receipts during a period of seven years is sufficient, it appears to me, to give us the idea of a merchant who was rather adventurous, besides being most active and amusing. We have seen Beaumarchais hitherto mixing together commerce and politics; it will not, perhaps, be disagreeable to view him simply as a merchant, hurrying from one port to another, purchasing or constructing vessels; 'curbing,' as he said, 'his various captains, so as to obtain a little profit out of them,' and discussing naval expenditures with all the daring of a consummate privateer." (3 Loménie's Beaumarchais and His Times, 227.)

The question of the accuracy of Arthur Lee's statement of Beaumarchais' engagements in London in the spring of 1776 is discussed *infra*, § 142.

Of Beaumarchais' relations to Deane and Arthur Lee Loménie thus writes:

"When Beaumarchais returned from London to Paris he kept up a correspondence with Arthur Lee in ciphers. When it had been agreed between M. de Vergennes and himself that the affair should bear a strictly private and commercial character, and that the participation of government should be carefully concealed from the Americans themselves, Beaumarchais, in conformance with ministerial instructions, wrote the following note to Arthur Lee in London, June 12, 1776:

"'The difficulties I have met with in my negotiations with the ministry have made me decide to *form a company*, which will send the ammunition and powder to *your friend* as soon as possible, in consideration of tobacco being sent in return to the French cape.'

"Upon this, Silas Deane, the American agent, sent direct to France by the Congress, arrived. As he alone was furnished by the Congress with power to treat in their name, Beaumarchais made his agreements with him, and did not write again to Arthur Lee. The latter had relied upon this affair to make himself popular in America. 'He hoped,' says the author of the Life of Franklin, 'to play the principal part in the enterprise. On hearing that it was passing into the hands of Mr. Deane he hurried to Paris, accused Deane of interfering in his affairs, tried to cause a quarrel between him and Beaumarchais, and, not being able to succeed, returned to London, vexed at his failure and furious with Deane.' (Life of Franklin, by Sparks, 449.) To this very exact account of Mr. Jared Sparks we must add that he was not less furious with Beaumarchais than with Deane. In order to avenge himself on both, he wrote, without their knowledge, to the secret committee of the Congress that the two had agreed to deceive both the French Government and the United States, by changing what the ministry meant to be a gratuitous gift into a commercial transaction. It was this insidious story of Arthur Lee's which caused all the trouble between Beaumarchais and the Congress. We shall soon see M. de Vergennes himself speaking very pointedly on the subject; but as his official answer, at the time when it was addressed to the Congress, might be looked upon as dictated by political expediency, we ought, in exhibiting the arrangements made between Silas Deane and Beaumarchais, under the very eyes of the minister, to endeavor to discover the real intentions of the latter in an affair about which, owing to its very secrecy, he has naturally left but few documents in his own handwriting." (3 Loménie's Beaumarchais and His Times, 136.)

ing the night and the invoices of which consequently presented some irregularities, and all this without any other letters of advice than the rather bombastic missives signed with the romantic name of Roderique Hortalez & Co., in which Beaumarchais mixed up protestations of enthusiasm, offers of unlimited service, and political advice with applications for tobacco, indigo, or salt fish, and which ended with tirades of which we may take the following as an example:

"'Gentlemen, consider my house as the head of all operations useful to your cause in Europe, and myself as the most zealous partisan of your nation, *the soul of your successes*, and a man most profoundly filled with the respectful esteem with which I have the honor to be, etc.,

"'RODERIQUE HORTALEZ & CO.'

"The calculating disposition of the Yankees naturally inclined them to think that so ardent and fantastic a being, if after all such a being really existed, was playing a commercial comedy, agreed upon between the French Government and himself, and that they might in all security of conscience make use of his supplies, read his amplifications, and dispense with sending him tobacco." (3 Loménie's Beaumarchais and His Times, 163.)

But however much Congress may have been mystified by the "Hortalez" letters, it understood from Deane that for the supplies it received it was to pay, and it at once provided for consignments to France of tobacco, indigo, and other American produce. These consignments, however, as the British blockade became more effective, were occasionally intercepted; and after awhile, in the uncertainty as to whether the whole machinery of exchange was not, as Arther Lee announced, a mere pretext for the maintenance of nominal neutrality, the attempt to make them seemed almost given up. Upon this Beaumarchais sent over, as a business agent, to insist on remittances, Francy,* a young man of great merit, who informed Congress, according to Loménie, "that his patron would not send anything more unless they acknowledged his previous claims and guarantied him by a formal contract from all difficulty for the future." A contract to this effect was signed on April 6, 1778, by the members of the congressional committee of commerce, and Francy, acting in the name of Beaumarchais; but this contract, by its terms, was not to be ratified until the French minister of foreign affairs gave an answer to the question whether Beaumarchais or the French Government was the creditor of the Congress for cargoes to the amount of five millions already sent, or whether, to take a third alternative, these supplies were sent gratuitously by France. To this inquiry Vergennes replied as follows in a note addressed to Gerard, the French minister in the United States, who was ordered to transmit it to the Congress:

"The commissioners of the Congress have just addressed to me an official letter which refers to two objects; the first relates to the correctness of the account of M. de Beaumarchais, under the name of the firm Roderique Hortalez & Co.; the second to the ratification of the contract which the Congress, or rather the committee of commerce in its name, has signed with M. Théveneau de Francy, agent of M. Caron de Beaumarchais. M. Franklin and his colleagues desire to know the articles that have

* See *infra*, § 73, and index, title Francy.

been supplied to them by the king and those that M. de Beaumarchais has supplied them with on his own account; and they insinuate that the Congress is convinced that all, or at least the greater part of what has been sent, is on account of his majesty. I have replied to them that the king did not furnish them with anything; that he simply allowed M. de Beaumarchais to supply himself from his arsenals under an engagement to replace what he took; and, moreover, that I would with pleasure interest myself to prevent their being too much pressed for the repayment of the military articles."

"'As to what related to the fresh contract signed between Beaumarchais and the Congress,' the minister added that 'he had no advice to give as to the ratification of this agreement, not being called on to answer for the engagements of the house of Roderique Hortalez & Co.'

"In this answer of M. de Vergennes, which was very explicit concerning the rights of Beaumarchais as creditor of the Congress, there were two points," continues Loménie: "There was a suppression dictated by policy, and which consisted in passing over in silence the pecuniary aid granted to Beaumarchais before the rupture between France and England, and at the same time the truth which was allowed to appear in the minister's last sentence in reference to the military articles supplied. This sentence proves that, if Beaumarchais had received pecuniary aid, he had not had it to enable him to send gratuitously, but to send on credit, leaving to the debtors rather a considerable latitude, especially as to the munitions of war. Besides, it is evident that Beaumarchais conformed to ministerial instructions, for during two years, excepting two cargoes of 150,000 francs each, of which he had been obliged to take possession by authority, he had not been able to obtain a liard for five millions of military and other stores, and when he applied for payment on account, the Americans replied to him by denying the debt or did not reply at all." (3 Loménie's Beaumarchais and His Times, 200.)

A letter from Beaumarchais to Deane, of date of July 22, 1776, is given by Loménie, in which, after agreeing to the payment in natural products and to the delay demanded by the agent of the Congress, he (Beaumarchais) speaks as follows about the price of the supplies:

"As I believe that I am to deal with a virtuous nation, it will be enough for me to keep an exact account of all I advance. The Congress will be at liberty to pay the usual value of the things on their arrival, or to allow so much for the cost price, the delays, and the inconvenience, with a commission in proportion to the trouble and care, which it is impossible to arrange now. I wish to serve your country as if it were my own, and I hope to find in the friendship of a noble-minded nation the true reward of the labor which I willingly undertake for them." (2 *id.*, 147.)

Partial congressional settlement.

§ 63. A partial settlement was then entered into, which is noticed in the following entry in the secret journal of Congress:

"*June* 18, 1779.—The committee on the treasury report 'that they have, according to order, prepared bills of exchange on the minister plenipotentiary of the United States at the court of Versailles in favor of Caron de Beaumarchais, consisting of fifty setts, six bills to each set, as specified in a schedule annexed, all dated the 15 day of this instant June, amounting in the whole to two millions four hundred thousand livres Tournois, and payable the 15 day of June, 1782, and also six setts, six bills to each sett, all dated the same day, drawn on the said minister in favour of the said Caron de Beaumarchais, for the yearly interest of the said principal sum at six per cent per an: being one hundred and forty four thousand livres yearly; in the whole 432,000 livres (the principal and interest so drawn for amounting in the whole

to 2,823,000 livres), which last mentioned bills for the interest are particularly specified in the said schedule; and that they have also prepared letters of advice of the said bills of exchange to the said minister plenipotentiary;' whereupon

"*Resolved*, That the said draughts be signed by the President of Congress and entered in the auditor's office as warrants are usually passed and then delivered to M. de Francy, agent for the said C. de Beaumarchais, on his giving the auditor-general a receipt for the same; and that M. de Beaumarchais be charged with the amount of the said principal sum, in the books of the treasury.

"*Resolved*, That the faith of the United States be pledged to make good any contract or engagement which shall be entered into by the said minister plenipotentiary or any future minister of these United States at the court of Versailles for obtaining money or credit to enable him to honor the said draughts, and provide for their punctual discharge.

"*Ordered*, That copies of the foregoing resolutions and that of the 5 instant and of the letters of advice subscribed by the president be transmitted by the committee for foreign affairs to the minister plenipotentiary of the United States at the court of Versailles.

Contract of February 25, 1783, reciting French advances.

§ 64. On February 25, 1783, was concluded, between Franklin and Vergennes, a "contract" which, among other things, contained the following:*

"ARTICLE 2.—For better understanding the fixing the periods for the re-imbursement of the six millions at the royal treasury, and to prevent all ambiguity on this head, it has been found proper to recapitulate here the amount of the preceding aids, granted by the king to the United States, and to distinguish them according to their different classes:

"In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance from the pure generosity of the king; three millions of which were granted before the treaty of February, 1778, and six millions in 1781, which aids and subsidies amount in the whole to nine millions livres tournois. His majesty here confirms, in case of need, the gratuitous gift to the Congress of the said Thirteen United States."

The "lost million;" Franklin's efforts at explanation.

§ 65. Here was a recital of the receipt of *three* millions of gratuity before 1778, whereas Franklin's accounts showed the receipt of only *two* millions. What became of the "lost million," as it was called?

When Franklin returned to Philadelphia, and it became necessary, for the settlement of his accounts, as well as of those of Beaumarchais, to discover in what way this third million had reached the United States the following correspondence took place:

Franklin to Grand, banker, at Paris †

"PHILADELPHIA, *July 11th*, 1786.

"SIR: I send you enclosed some letters that have passed between the secretary of Congress and me, respecting three millions of livres acknowledged to have been received before the treaty of February, 1778, as *don gratuit* from the king, of which only two millions are found in your accounts, unless the million from the Farmers-General be one of the three. I have been assured that all the money received from

* House Doc. No. 111, 15th Cong., 1st sess., vol. 5, App.; Rep. No. 220, H. R., 20th Cong., 1st sess., Apr. 1, 1823, p. 56.

† 2 Sparks' Dip. Rev. Corr., 525.

the king, whether as loan or gift, went through your hands; and as I always looked on the million we had of the Farmers-General to be distinct from what we had of the crown, I wonder how I came to sign the contract acknowledging three millions of gift, when in reality there was only two, exclusive of that from the Farmers; and, as both you and I examined the project of the contract before I signed it, I am surprised that neither of us took notice of the error.

"It is possible that the million furnished ostensibly by the Farmers was in fact a gift of the crown, in which case, as Mr. Thomson observes, they owe us for the two ship loads of tobacco which they received on account of it. I must earnestly request of you to get this matter explained, that it may stand clear before I die, lest some enemy should afterwards accuse me of having received a million not accounted for.

"I am, &c.,

"B. FRANKLIN."

Durival to Grand.

[Translation.]

"VERSAILLES, *August 30th*, 1786.

"SIR: I have received the letter which you did me the honor to write on the 28th of this month touching the advance of a million which you say was made by the Farmers-General to the United States of America the 3d of June, 1777. I have no knowedge of that advance. What I have verified is, that the king, by the contract of the 25th of February, 1783, has confirmed the gratuitous gift, which his majesty had previously made, of the three millions hereafter mentioned, viz, one million delivered by the royal treasury the 10th of June, 1776, and two other millions advanced also by the royal treasury in 1777, on four receipts of the deputies of Congress, of the 17th of January, 3d of April, 10th of June, and 15th of October, of the same year. This explanation will, sir, I hope, resolve your doubt touching the advance of the 3d of June, 1777. I further recommend to you, sir, to confer on this subject with M. Gojard, who ought to be better informed than we, who had no knowledge of any advances but those made by the royal treasury.

"I have the honor to be, &c.,

"DURIVAL."

Durival to Grand.†

[Translation.]

"VERSAILLES, *September 5th*, 1786.

"SIR: I laid before the Count de Vergennes the two letters which you did me the honor to write touching the three millions, the free gift of which the king has confirmed in favor of the United States of America. The minister, sir, observed that this gift has nothing to do with the million which the Congress may have received from the Farmers-General in 1777; consequently he thinks that the receipt which you desire may be communicated to you can not satisfy the object of your view, and that it would be useless to give you the copy which you desire.

"I have the honor to be, with perfect attachment, &c.,

"DURIVAL."

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*Grand to Franklin.**

"PARIS, *September 9th*, 1786.

"MY DEAR SIR: The letter you honored me with covered the copies of three letters which Mr. Thomson wrote you to obtain an explanation of a million which is not

* 2 Sparks' Dip. Rev. Corr., 526. † 2 Sparks' Dip. Rev. Corr., 526.

to be found in my accounts. I should have been very much embarrassed in satisfying and proving to him that I had not put that million in my pocket had I not applied to M. Durival, who, as you will see by the answer enclosed, informs me that there was a million paid by the royal treasury on the 10th of June, 1776. This is the very million about which Mr. Thomson inquires, as I have kept an account of the other two millions, which were also furnished by the royal treasury, viz, the one million in January and April, 1777, the other in July and October of the same year, as well as that furnished by the Farmers-General in June, 1777.

"Here, then, are the three millions exactly which were given by the king before the treaty of 1778 and that furnished by the Farmers-General. Nothing, then, remains to be known but who received the first million in June, 1776. It could not be myself, as I was not charged with the business of Congress until January, 1777. I therefore requested of M. Durival a copy of the receipt for the one million. You have the answer which he returned to me. I wrote to him again, renewing my request, but as the courier is just setting off I can not wait to give you his answer, but you will receive it in my next, if I obtain one.

"In the meanwhile I beg you will receive the assurances of the sentiments of respect with which I have the honor to be, my dear sir, &c.,

"GRAND."

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*Durival to Grand.**

[Translation.]

"VERSAILLES, *September 10th*, 1786.

"SIR: I have laid before the Count de Vergennes, as you seemed to desire, the letter which you did me the honor to write yesterday. The minister persists in the opinion that the receipt, the copy of which you request, has no relation to the business with which you were intrusted on behalf of Congress, and that this piece would be useless in the new point of view in which you have placed it. Indeed, sir, it is easy for you to prove that the money in question was not delivered by the royal treasury into your hands, as you did not begin to be charged with the business of Congress until January, 1777, and the receipt for that money is of the 10th of June, 1776.

"I have the honor to be, with perfect attachment, sir, &c.,

"DURIVAL."

It appeared on all the papers that the "lost million" did not in any shape pass into Franklin's hands.†

Franklin to Charles Thomson.‡

"PHILADELPHIA, *January 27th*, 1787.

"DEAR FRIEND: You may remember that in the correspondence between us in June last on the subject of a million *free gift* of the king of France, acknowledged in our contract to have been received but which did not appear to be accounted for in our banker's accounts, unless it should be the same with the million said to be received from the Farmers-General, I mentioned that an explanation might doubtless be easily obtained by writing to Mr. Grand or Mr. Jefferson. I know not whether you have accordingly written to either of them; but being desirous that the matter should speedily be cleared up, I wrote myself to Mr. Grand a letter upon it, of which I now inclose a copy, with his answers, and several letters from M. Durival, who is *chef de bureau des fonds* (and has under his care the finance) *des affaires étrangéres*.

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* 2 Sparks' Dip. Rev. Corr., 527.

† *Infra*, § 113; see *supra*, § 52; *infra*, § 142.

‡ 2 Sparks' Dip. Rev. Corr., 529, with verbal changes.

"You will see by these letters that the million in question was delivered to somebody on the 10th of June, 1776, but it does not appear to whom. It is clear, however, that it could not be to Mr. Grand nor to the commissioners from Congress, for we did not meet in France till the end of December, 1776, or beginning of January, 1777, and that banker was not charged before with our affairs.

"By the minister's reserve in refusing him a copy of the receipt I conjecture it must be money advanced for our use to M. de Beaumarchais, and that it is a *mystère du cabinet* which perhaps should not be further inquired into, unless necessary to guard against more demands than may be just from that agent, for it may well be supposed that if the court furnished him with the means of supplying us, they may not be willing to furnish authentic proofs of such a transaction so early in our dispute with Britain. Pray tell me, has he dropped his demands, or does he still continue to worry you with them?

"I should like to have these original letters returned to me, but you may, if you please, keep copies of them. It is true the million in question makes no difference in your accounts with the king of France, it not being mentioned or charged as so much lent and to be repaid, but stated as freely given. Yet, if it was put into the hands of any of your agents or ministers, they ought certainly to account for it. I do not recollect whether Mr. Deane had arrived before the 10th of June, 1776;* but from his great want of money when I joined him a few months after I hardly think it could have been paid to him. Possibly Mr. Jefferson may obtain the information, though Mr. Grand could not, and I wish he may be directed to make the inquiry, as I know he would do it discreetly; I mean if by Hortalez & Co.'s further demands, or for any other reason, such an inquiry should be thought necessary.†

"I am, &c.,

"B. FRANKLIN."

Refusal of French ministry to explain.

§ 66. The receipt of the 10th of June, 1776, was, as was subsequently disclosed, signed by Beaumarchais. According to Loménie (3, 201), Grand, who was then and had been for some time banker for the United States, having inquired of Durival, who was at the head of the treasury, for a copy of the receipt given June 10, 1776, Durival "consulted (continues Loménie) M. de Vergennes, and replied at first by a refusal. The banker insisted afresh, alleging his own responsibility. M. Durival then addressed to the minister a secret report as to the question whether it was desirable to supply M. Grand with the copy he asked for of M. de Beaumarchais' receipt. After having stated that, according to the receipt, M. de Beaumarchais was to render an account to M. de Vergennes only, the chief of the bureau of funds concluded thus: 'There might be an objection to furnishing a weapon against M. de Beaumarchais by showing to M. Grand the copy he asks for of the acknowledgment for the million delivered June 10, 1776.'"

In the margin of the report there is written, "Referred September 5, 1786," and below, on the margin also, is found the decision of M. de

* Deane did not arrive in Paris till the first week in July. (Sparks.)

† This matter was not cleared up till 1794, when Gouverneur Morris was American minister in Paris. By application to the government he procured a copy of the receipt of the person who received the million of francs on the 10th of June, 1776. It proved to be Beaumarchais, as Dr. Franklin had conjectured. (See Pitkin's History of the United States, vol. 1, p. 422, Sparks, and see more fully *infra*, § 68.)

Vergennes thus expressed: 'There can be no reason for the acknowledgment mentioned in this report." This was followed by Durival's letter to Grand of September 10, 1786, above given.

Grand then summed up the position as follows:

*Grand to Franklin.**

[Translation.]

"PARIS, *September 12th*, 1786.

"SIR: I hazard a letter, in hopes it may be able to join that of the 9th at L'Orient, in order to forward to you the answer I have just received from M. Durival. You will there see that, notwithstanding my entreaty, the minister himself refuses to give me a copy of the receipt which I asked for. I can not conceive the reason for this reserve, more especially since, if there has been a million paid, he who has received it has kept the account, and it must in time be known. I shall hear with pleasure that you have been more fortunate in this respect in America than I have been in France.

"And I repeat to you the assurance of the sentiments of regard with which I have the honor to be, &c.,

"GRAND."

"By this refusal of the minister to Congress," argues Loménie, "it believed itself sufficiently authorized to conclude, first, that it was Beaumarchais who had received this million; secondly, that this million ought to be restored by him to the Congress; thirdly, that the Congress ought not to pay anything until this mystery was cleared up. All these conclusions were not equally just, for there was no question here, as in the declaration of the minister in 1778, of a concealment dictated by policy. The French Government no longer concealed the fact that it had assisted the insurgent Colonies before their rupture with England, for it declared formally that it had given three millions with that view before the treaty of 1778, and went even so far as to fix the date of the first million, delivered June 10, 1776. If it refused to unveil to the United States the name of the man to whom it had advanced this million, it was no longer from considerations of political prudence, but from a motive of personal equity towards Beaumarchais, 'not to furnish the Americans a weapon against him,' as M. Durival plainly stated in his report to the minister. By this refusal to communicate to the United States Beaumarchais' receipt the minister said to them explicitly, 'I have classed this first million in the contract of February 25, 1783, amongst the millions given gratuitously by me for your service, because it was in fact given by me; but as it has not been given to you, as the man to whom I gave it has bound himself by his receipt to render an account to me and not to you, this man can be accountable to me alone. If I asked you for the repayment of this million, you would on your part have the right to claim it from the person who received it; but as I ask you for nothing, it is for me only to decide how far this gratuitous ad-

* Sparks' Dip. Rev. Corr., 528.

vance of a million made by me on your behalf is to be serviceable to you, or to the man to whom I made it, in order to forward a secret operation which has been very serviceable to you, but which hitherto, from your refusal to pay and from the various losses he has suffered in his trade with you, appears to have been more injurious than profitable to him.'" *

To this supposed appeal Loménie adds the remark that Beaumarchais was not a party to or even cognizant of the agreement and recital of 1783, and consequently could not in any way be bound by it.

Beaumarchais' appeal to Congress of June 12, 1787.

§ 67. Beaumarchais, becoming embarrassed in his affairs, and attributing, not unnaturally, his difficulties to the delay in the final settlement of his American accounts, addressed to Congress, on June 12, 1787, a vehement appeal for relief.† In response, Congress passed a resolution referring the accounts for settlement to Arthur Lee, and it is impossible to excuse this reference except on the ground that it was forgotten, at least by most of those who consented to this reference, that it was Arthur Lee who, alone among those in any way cognizant with the Beaumarchais negotiations, had declared that Beaumarchais was merely the agent for conveying gratuities to the United States; that the fact of such gratuities never had been explicitly denied by Beaumarchais, by Deane, by Vergennes, and by the French minister in Philadelphia with the acquiesence of Congress, and that, aside from the fact that Arthur Lee had thus prejudged the main question at issue, his relations with Beaumarchais, in consequence in part of this very prejudgment, had become very bitter, each of them having lavished on the other the denunciations which on the one side had all the vehemence of Junius Americanus, and on the other side all the wit of the author of the Marriage of Figaro. Arthur Lee, assuming, as his prior declarations bound him to do, that the subsidies given to Hortalez & Co. were gratuities to the United States, had no difficulty in finding, not that the United States were indebted to Beaumarchais, but that Beaumarchais was indebted to the United States in the sum of 1,800,000 francs. But it was clear that such an award could not be sustained; and in 1793, the accounts being referred to Hamilton, then Secretary of the Treasury, he reported that the United States were indebted to Beaumarchais in the sum of 2,280,000 francs, proposing, however, that there should be another appeal for information to the French Government, of which, under the revolutionary régime, Buchot was then secretary for foreign affairs.

French admission.

§ 68. Gouverneur Morris was then American minister at Paris, and to his adroit application to the French ministry for further explanations the following was received:

* 3 Loménie, 211.

† Loménie, *ut supra*, 263.

[Translation.]*

"At Paris, 19th Messidor, of the 2d year of the republic, one and indivisible.

"LIBERTY, EQUALITY, FRATERNITY, OR DEATH.

"*The commissary of exterior relations to the minister plenipotentiary of the United States.*

"By your letter of the third of this month you requested a communication of the documents which relate to the employ of a million advanced to the United States on the 10th June, 1776.

"I communicated this request to the committee of public safety, which has found it to be due from its justice to give the satisfaction to the United States which had been refused to them by the ministers under the old regimen. In consequence of which I have caused the necessary search to be made, and I inclose herewith a copy of a receipt dated June 10th, 1776, which appears to be the one necessary to the United States in adjusting their accounts.

"Mystery, as you very well remark, does not suit two people united by all the ties of friendship and a common interest.

"(Signed) BUCHOT."

[Translation.]†

"1776.—I have received from Monsieur Du Vergier, agreeably to the orders transmitted to him of Monsieur the Count of Vergennes, dated 5th current, the sum of one million, for which I will account to my said Sieur Count de Vergennes.

"At Paris, 10th June, 1776.

"(Signed) CARON DE BEAUMARCHAIS."

"Good for one million of livres tournois.

"True copy.

"(Signed) BUCHOT."

It was then certain, therefore, that it was Beaumarchais who received the million of francs the destination of which had been so long in dispute; and on the assumption, not unnatural, that this million had been given to Beaumarchais either in trust specifically for the United States or to be turned into supplies for the use of the United States, fresh difficulties arose in the way of settlement. These difficulties are thus narrated by Loménie:

"'They bring forward,' wrote Talleyrand to the heirs of M. de Beaumarchais, 'a receipt given by the latter the 10th June, 1776, for one million remitted to him by order of M. de Vergennes, and wish to reckon this sum in the supplies furnished by him to the United States. As the payment and destination of this million related to a measure of secret policy ordered by the king and forthwith executed, it appears neither just nor equitable to confound it with the mercantile operations, posterior in date, of a private individual with the Congress. Consequently, no conclusion against M. de Beaumarchais as a personal creditor of the United States can be drawn from the document communicated by the ex-commissioner for foreign affairs (Buchot) to the American minister.

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* House Doc. No. 111, 15th Cong., 1st sess., vol. 5, 1823, App.

† House Doc. No. 111, 15th Cong., 1st sess., vol. 5, App.

"'I invite you, citizen minister, to support by your influence the claims of the Beaumarchais family, and to dwell upon the considerations of national good faith and honor to which they appeal. A French citizen who risked for the sake of the Americans his whole fortune, and whose zeal and activity were essentially useful during the war which obtained for them their liberty and their rank among nations, might without doubt aspire to some favor; at least he ought always to be heard when he asks only for honesty and justice.

"'Receive, etc.,

"'TALLEYRAND.'"

In 1816, when Richelieu was French secretary of foreign affairs, Gallatin, American minister at Paris, applied to him to say formally that the million thus furnished on June 10, 1776, to Beaumarchais had nothing in common with the supplies furnished by Beaumarchais to the United States. Richelieu answered that there was no such connection.*

The claim on its merits.

§ 69. We have now to consider the bearing of Beaumarchais' claim against the United States, of his receipt of June 10, 1776, taken in connection with Richelieu's subsequent declaration that the money so receipted for was not given to purchase supplies for the United States. The authority of Richelieu's declaration, however, it must be first observed, is much impaired by the correspondence subsequently produced by Loménie, who says:

"I have been obliged, nevertheless, contrary to the very sincere opinion of the heirs of Beaumarchais and to the declarations of the different ministers since 1778, all based upon the first official declaration of M. de Vergennes—I have been obliged to re-establish the truth as to the fact of the celebrated million, which was incontestably given by the government, not for a *secret political service unconnected with the American supplies*, but for the supplies themselves. Finding also in the archives of foreign affairs the material proof that Beaumarchais, independently of the first million, given June 10, 1776, received a second from the court of Spain August 11, 1776, and a third paid by installments in the course of 1777, I have been obliged to mention all these facts because they are true and because the first duty of a writer who respects himself is not to conceal the truth." (3 Loménie's Beaumarchais and His Times, 224.)

As to the questions of international law involved, see *infra*, § 100 *ff*.

Assuming Loménie's inference from the correspondence before him to be correct, Dr. Stillé, in the able paper already cited, argues with much force that the million in question should be deducted from Beaumarchais' claim against the United States. On the other hand, Loménie insists that, even supposing this "million" to have been meant for the purchase of supplies for America, yet this was but a comparatively small part of the funds invested by Beaumarchais in the enterprise, and that after debiting him with this amount a sum equal at least to that awarded by Hamilton should be paid to him to make good his losses. As these losses, on either view, can only be arrived at by the examination of accounts covering the whole of Beaumarchais' business

* See more fully *infra*, § 71.

transactions during the revolutionary war, we may be content to let the assessment of what was due him rest upon the settlement adopted by the French and American Governments in 1831, as hereafter stated.

It would be unjust, however, not to admit that the non-specification by the French Government of the object to which the "lost million" was applied can not, as we will next see, be urged against that government as sustaining the adverse presumption usually drawn against a party who withholds a fact which it is in his power to produce.

Non-disclosure of secret-service vouchers gives no presumption.

§ 70. That the particular destination of secret-service money is not to be recorded in the public archives is one of the necessary incidents of secret service. It is so with ourselves. By the act of Congress of May 1, 1810, the President, in distribution of the contingent fund, is to make "a certificate of the amount of such expenditures as he may think advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended." Under this provision the practice, as stated by President Polk in his special message of April 10, 1846, has been for the President simply to certify to the accuracy of a payment without specifying the object, the certificate being not unlike that of Louis XVI to the payment of the million in question to Beaumarchais, which did not name the object for which the payment was to be made. This practice has been continued to the present day, and during the late civil war was the basis of many salutary expenditures. Nor is it conceivable that the expenditures of France in assisting the United States could, in 1776, have been limited to the supply of war material. England was then flooding France with secret agencies at great expense to thwart what was then known to be the French policy. It was natural and certainly not inconsistent with her traditions that France should have established, to aid the American cause, countervailing agencies to aid America in England. France also had previously sent secret agencies to America. It would not have been strange if these agencies should have been continued in 1776. For expenses such as these the sum of a million francs was by no means too much. Nor is it strange that nothing should appear in the French archives indicating to what particular line of assistance to America this fund was applied. The very nature of secret diplomatic disbursements precludes the retention of such specifications on record. It is so with all governments which maintain diplomatic relations. In our own Department of State, for instance, there is not a vestige of a record which will show the application of the secret-service appropriations heretofore made, and if it was desired to obtain information as to the application, for instance, of such funds during the Mexican war or during the late civil war, it would be found as impossible to obtain such information as it was

found impossible for the French revolutionary authorities to obtain information as to the specific object to which the lost million went.

It can not, therefore, be objected to Richelieu's statement that it gives no specification of the purpose to which the million in question was applied. Hence, if we accept that statement, Beaumarchais' claim for goods supplied is not to be affected by his reception of this million. On the other hand, if Loménie be correct, and if the million really was meant for and went to the purchase of supplies by Beaumarchais for America, then we must now hold that the suppression of this fact by him in his accounts made those accounts, as a basis of collection of a debt, unreliable. Under such circumstances, and after the discovery of such suppression (supposing Loménie and not Richelieu to be correct), all that Beaumarchais could claim would be a general sum for losses in the service of the United States.

Settlement of 1831.

§ 71. When, early in 1831, the reciprocal claims of France and the United States were under discussion in Paris between Rives, American minister, and Sebastiani, French minister of foreign affairs, the Beaumarchais claim was assessed by Sebastiani at 2,699,999 francs. In his explanation of the claim he stated that it was for "les fournitures d'armes et d'habillement," furnished by Beaumarchais during the revolutionary war to the United States, which the American Government, on February 3, 1806, had liquidated at 667,250 livres, with interest amounting to 2,032,749 livres, while subsequent interest brought the claim to 3,700,874 francs.

The memorandum then states that the federal Government had refused to pay this demand, alleging that Beaumarchais had received in 1776 from Vergennes, from the secret funds of the foreign office, one million, which he had employed in the purchase of the munitions for which he now demanded the payment, and that this million was part of the gift of three millions which Vergennes stated in 1783 had been a gratuity to the United States.

To this the Beaumarchais heirs replied that the million in question had not been used in the purchase of the munitions for which the claim was made, and that for this million Beaumarchais had accounted to the French Government, to which alone he was accountable. They also called attention to the fact that Gallatin, when United States minister at Paris, on December 2, 1816, addressed to the French secretary, Richelieu, an inquiry as to the destination of the million in question, adding that an explicit negative by the French Government would dispel the objections made to the Beaumarchais heirs; and that on December 16, 1816, Richelieu answered, declaring formally, "que le million délivré le 10 juin 1776 parvint aussitôt à la destination qui lui était assignée, que, suivant l'usage ordinaire, un simple approuvé du roi, postérieur seulement de quelques mois au paiement de la somme (bon du 7 décembre 1776) a été la seule et définitive pièce comptable

de la dépense, et que, d'après un nouvel examen des faits, ce million n'a pas été appliqué à l'achat des expéditions qui auraient été faites aux États-Unis par M. de Beaumarchais."

In reply to Sebastiani's note, the objections which had heretofore operated on Congress to suspend the settlement of the claim were stated by Rives, in an unpublished dispatch now in the Department of State. This dispatch then goes on to say:

"On the following day (the 22d of June, 1831) I called again on the minister of foreign affairs, as he had proposed, and found Baron Deffandis with him. The discussion was renewed on the French claims, and particularly that of the heirs of Beaumarchais. After a great deal of conversation, which it is not deemed necessary to detail, the subject was arranged by the ministers agreeing to accept a gross sum of fifteen hundred thousand francs in satisfaction of all the claims. The claim of the heirs of Beaumarchais alone amounted to 3,700,874 francs. From the peculiar nature of this claim, and the connection of the French Government with it, the honor of the United States seemed now imperiously to demand its adjustment, whether intrinsically well founded or not. The million which, with its interest, had been charged to the account of Beaumarchais, was not alleged to have been paid to him by the United States. It was claimed as a *gift*, put into his hands by the *French* king for the purpose of purchasing the supplies with which he had furnished the United States. But the French Government had repeatedly declared that it was not applied to the purchase of those supplies, but to an object of *secret* political service, of which Beaumarchais had rendered a satisfactory account to his own government. Under these circumstances the claim had been successively recommended to the favorable consideration of Congress by Presidents Jefferson, Madison, and Monroe; two Attorneys-General of the United States, Messrs. Rodney and Pinkney, had given their official opinion that the credit claimed by the United States was not sustainable on legal principles, and of ten committees of the House of Representatives who had examined the subject *six* (for, since the preparation of my observations addressed to the minister of foreign affairs, I find that a *majority* of those committees had made reports favorable to it) have recommended its payment.

"If the claim were to be adjusted in the United States it appeared impossible to separate the interest claimed from the principal. The committees of Congress which had made favorable reports and (particularly the select committee, which made its report on the 28th January, 1823, and the committee of foreign affairs, which reported on the 1st April, 1828,) seem always to have regarded the interest on this claim as necessarily incident to the principal, and Mr. Gallatin, then Secretary of the Treasury, in his letter of 27th January, 1806, to the chairman of the committee of claims, it will be perceived, treated the interest as *equally due* with the principal. To get rid of this claim, amounting alone to more than three and a half millions of francs, and of others (among which were some of clear justice) amounting to one million more, for a gross sum of one and a half million of francs, was an arrangement so obviously advantageous for the United States that I did not hesitate to adopt it."

Out of the fund so reserved by the French Government under the treaty of 1831 the heirs of Beaumarchais were paid eight hundred thousand livres.*

* A summary of this remarkable case is given in 3 Hildreth's United States, 268 *ff.* As to Franklin's position, see *infra*, § 113.

The following is a brief summary of congressional action on the claim in its various phases down to its settlement in 1831:

June 18, 1778.—Report of committee directing forwarding bills of exchange to meet claim and pledging the faith of Congress to their payment. (3 Journ. Cont. Cong., 309.)

La Fayette.

§ 72. La Fayette's services in the revolutionary war present, though numerous letters from him and to him appear in the following volumes, comparatively little material for discussion, for the reason that his motives were so pure and lofty, his action so single and disinterested, his devotion to Washington so unswerving, his life so transparent, as to leave little for the editor of his letters to explain or defend. The impulse that drew him into the war was not a feeling of revenge towards England, but of enthusiasm for the young republic across the ocean, then struggling for existence. To Beaumarchais he was in strong contrast. Beaumarchais entered the service, after very mottled experiences, in full manhood as a matter of excitement, display, and intrigue, under court direction, as an episode in a life full of surprises, which often absorbed public attention from their conspicuous grotesqueness. La Fayette threw himself into the American cause when he was not much over nineteen years of age, sacrificed in so doing a most brilliant advantage at court and in the military profession, and persevered in the position he assumed in youth of high-spirited devotion to the cause of constitutional liberty until his death in 1834. It was the delight of Beaumarchais to puzzle and bewilder Congress by his mystifications and by the rapidity of his changes of personality. La Fayette was always the same, straightforward, simple, transparent, perfectly truthful, sincere, forming the link between Congress and France which of all others was at once the strongest and brightest. La Fayette gave his services gratuitously, in addition to large gifts of money and supplies; and he rejected offers of great distinction—as when the command of the Canada invasion was offered to him—when he saw that they would put him in a position independent of Washington. With Beaumarchais money and display were the main

June 5, 1779.—Report on the claim, with call for accounts. (*Id.*, 299, 300.)

October 1, 1785.—Report that Silas Deane's settlement with Beaumarchais was made without authority, and does not bind the United States. (4 Journ. Cont. Congr., 873.)

March 10, 1806.—Report in House examining claim, but without result. (Ex. Doc. 9th Cong., 1st sess.)

February 6, 1807.—Jefferson's message recommending claim to Congress, with memorial, etc. (Ex. Doc. 9th Cong., 2d sess.)

December 14, 1807.—Report of Madison in favor of claim, sustained by report of C. A. Rodney, Attorney-General. (Ex. Doc. 10th Cong., 1st sess.)

March 3, 1812.—Unfavorable report (Gholson). (Ex. Doc. 12th Cong., 1st sess.)

March 15, 1814.—Favorable report (Lowndes). (Ex. Doc. 13th Cong., 2d sess.)

February 2, 1818.—Favorable report select committee. (House Doc. No. 111, 15th Cong., 1st sess., vol. 5.)

January 23, 1822.—Favorable report select committee. (No. 75, 17th Cong., 2d sess. vol. 2.)

March 29, 1822.—Favorable message from Monroe. (Ex. Papers No. 102, 17th Cong., 1st and 2d sess., vol. 6.)

May 16, 1826.—Unfavorable report. (No. 217, 19th Cong., 1st sess., vol. 2.)

April 1, 1828.—Report recommending re-imbursement for military stores furnished. (No. 220, 20th Cong., 1st sess., vol. 3.) See political pamphlets in Library of Congress, vol. 118, and also pamphlet in vol. 102.

objects in view, and his interest in the American cause was dependent upon these objects being secured. Vergennes was the statesman, who would retain the past stripped of its stage effects; Beaumarchais the intriguer, who would retain the stage effects and get rid of the past; La Fayette the hero, who would build up a future based on what is straightforward and free and real. The title "Grandison Cromwell," given by Mirabeau to La Fayette, was not fair, since, however Grandisonian may have been La Fayette's stately chivalry and however Cromwellian his courage in warring against established traditions, he had not Grandison's want of public spirit, nor had he Cromwell's lust of power, or his recklessness as to means, or his tortuousness of expression. And superior as Cromwell was to La Fayette as a military chief, it is impossible to read the letters to and from La Fayette and the letters about him in the following pages without seeing that La Fayette took a leading part in a great work which Cromwell, if he had been concerned in, would probably have destroyed.*

Doniol, in his late important work on the Participation of France in the Establishment of the United States, thus speaks of La Fayette's return to France in September, 1778:

"The marquis had requested Washington, from Boston, September 28, to allow him to go to his camp. This was not for the purpose of discussing the Canada campaign—he was acquainted with the unfavorable views of the commander-in-chief on the subject—but in order to explain to him the duty which rested upon him of returning to France. The events which were believed to have taken place in the English Channel, and which, as he supposed, would be closely followed by a French expedition to England herself, were in his eyes a paramount reason for his leaving America. He communicated this reason to Congress on the 13th October, and asked their assent to his immediate return to his native land. His memoirs and the principal historians of the United States have long ago related the language with which Washington and Congress granted him the leave of absence, permitting him to remain one of the generals of America and to plead the cause of his adopted country at the same time that he resumed his rank in the army of France—language well fitted to inspire him with that feeling of pride which he retained to the close of his life, and which was shared by his countrymen equally with himself. This leave of absence was accompanied by messages and recommendations calculated to give as much weight as possible to any steps which he might take. After the retreat from Rhode Island Congress had thanked him for his services in the closing events of the campaign by a resolution of the most formal and flattering character; it now raised him to the dignity of the real representative of the alliance between the two countries. Gerard

* See index, title La Fayette. For La Fayette's view of the cabal against Washington, see *supra*, § 11; for his political position in France, see *infra*, § 78.

"At every period of his life, and above all in his zenith, La Fayette displayed a cold and grave exterior, which sometimes gave to his demeanor an air of timidity and embarrassment which did not really belong to him. His reserved manners and his silent disposition presented a singular contrast to the petulance, the levity, and the ostentatious loquacity of persons of his age; but under this exterior, to all appearances so phlegmatic, he concealed the most active mind, the most determined character, and the most enthusiastic spirit." (2 Segur's Memoirs, 106, cited Johnston's Yorktown, 131.)

was about to write to the admiral to give him a passage on a frigate, if one should be sent to France. Congress, anticipating this wish, detached one of the frigates in Boston harbor to carry him home." (3 Doniol, 419, 420.)

"He had written to the Duke of Ayen on the 11th September: 'The main reason of my return is the expectation of an invasion of England. I should consider myself almost dishonored if I was not there. I would be so mortified and indignant, that I would want to drown myself or hang myself in the English fashion. It would be the height of my wishes to drive them from here and then go to England.'" (1 Memoirs and Correspondence, 218.)

On September 9, 1778, Congress resolved as follows:

"*Resolved*, That the President be directed to write to the Marquis de La Fayette that Congress has decided that the sacrifice which he made of his own personal feelings when, in the cause of the United States, he went to Boston at the very moment when an opportunity might present itself of acquiring glory on the field of battle, his military zeal in returning to Rhode Island, when the greater part of the army had already quitted it, and the measures which he took to secure the retreat, entitle him to the present mark of the approbation of Congress." (September 9, 1778.)

Gerard, in a dispatch of October 20, 1778, thus speaks:

"I must conclude this long dispatch by rendering to the wisdom and address of the Marquis de La Fayette, in that part of these discussions which was communicated to him, all the merit and justice that he deserves. He gave very wholesome advice, authorized by his friendship and his experience. He was warmly urged to return with the troops which the king might send. He replied with becoming feeling, but with the most complete submission to the king's will. I can not help remarking that the no less prudent than brave and amiable behavior of the Marquis de La Fayette has made him the idol of Congress and of the army and people of America. His military talents are held in high estimation. You know, my lord, how averse I am to flattery, but I should be wanting in justice if I failed to communicate to you the tributes to his worth which are in the mouths of every one here without any exception. I must not omit to add, my lord, that when M. de La Fayette consulted me as to the manner of tendering his resignation, I advised him to ask simply for an indefinite leave of absence; because I knew that Congress would be grieved by the step which he was taking, and that he himself would fear its being interpreted as a proof of his being disgusted with the service. He thought fit to follow my advice." (3 Doniol, 422.)

Francy. § 73. Of Francy, whose name appears in the following pages as Beaumarchais' agent in America, we have the following account by Loménie:

He was "a distinguished young man, in whom Beaumarchais placed great confidence, and whom he afterwards sent as his representative to America, where he was very useful to him. Francy served his patron loyally, and, to Beaumarchais' great satisfaction, made a large fortune; unfortunately he was consumptive and died young. I have many letters from him, which contain many interesting details about persons and things in America at the time of the Revolution, and which, while doing honor to his intelligence and the loftiness of his sentiments, prove the sincerity and vivacity of an affection which was shared by all who approached Beaumarchais. I should add that Théveneau de Francy was the younger brother of Théveneau de Morande, who was mentioned in one of our former chapters, but in his idea of morality he did not resemble his brother; accordingly Beaumarchais, while keeping one at a distance, had discerned the merit of the other and had become attached to him." (3 Loménie's Beaumarchais and His Times, 157.)

Francy's appearance in America in behalf of Beaumarchais has been already noticed.*

Dubourg. § 74. Dubourg (James Barbé Dubourg) was a friend and correspondent of Franklin from 1767 till Dubourg's death in 1779. He translated and edited Franklin's philosophical works prior to the Revolution, and he distinguished himself by other literary productions, the most popular of which was a work on French botany.† To him Silas Deane brought letters of introduction from Franklin; and it was to Dubourg's prejudices—natural enough, in view of their respective antecedents—against Beaumarchais that a good deal of the confusion as to the latter's position is to be traced. Dubourg was a philosopher and philanthropist, without any business aptitude whatever; Beaumarchais a dramatist, without any philanthropy whatever, but with a singular genius for business enterprises that did not require time and patience. Dubourg was the first of the two to volunteer his services, but however great may have been his probity, his want of business capacity and of the power of masking his purposes made him, in Vergennes' opinion, incapable of managing enterprises which depend so much on the disguise as did the shipping of supplies to Congress. There is little doubt, however, that Dubourg fully advised Franklin, on the latter's arrival, of Beaumarchais' failings.

Lamargais. § 75. Of Lamargais, who flits before us in one of the earlier stages of Beaumarchais' negotiations,‡ Deane thus speaks:

"I recollect that Mr. Lee has mentioned Count Lamargais in his correspondence with Monsieur Beaumarchais, and am informed that this gentleman has in his letters been referred to. Count Lamargais is a nobleman who was born to an immense estate, the chief of which he has long since dissipated in a wild and, I may say, in such an eccentric course of life as hardly has a parallel in France. He has set up at times for a philosopher, a wit, a poet; then as suddenly flew off and engaged in building, planting, or politics; he was one month for engaging in trade; the next a country gentleman on his farm; the third blazing in the beau monde at Paris; and, France being insufficient to afford a variety of scenes equal to the restlessness of his genius, he has constantly been shifting them from Paris to London and from London to Paris. In London he set up for a patriot, and engaged seriously in the disputes and parties of the day, and, what was very diverting, sat down for a few weeks to study the laws of England in order to confute Blackstone. His rank, to which his birth entitles him, gives him admittance to court, and the extravagance of his wit and humor serves to divert and please men in high office, and he consequently at times fancies himself in their secrets. This gentleman knew Mr. Lee in London before I arrived in France, and was afterwards often with him at Paris. His character was given me soon after my arrival, and I was put on my guard and warned by the minister, not that he supposed him to have designs unfriendly either to France or America, but on account of his imprudence and of his being frequently in London and with those

* *Supra*, § 62.

† See Hale's Franklin in Paris, 15 *ff*. See also *infra*, Committee of Correspondence to Deane, Mar. 3, 1776; Deane to Committee, Aug. 16, 1776.

‡ See *supra*, §§ 52, 62.

in the opposition in England of whom the court of France were more jealous, and against whom they were equally on their guard as with the British ministry themselves. As this nobleman's name may be made use of, I can not dispense with touching lightly on the outlines of a character extremely well known in France and England, and to which some gentlemen in America are no strangers." (House Doc. No. 3, 15th Cong., 1st sess., vol. 5, App.)

Count Broglie; his political position.

§ 76. Two brothers of this historical family are referred to in the following pages.

Victor François, Duc de Broglie, was born in 1718. After serving in Bohemia, in Alsace, and in Germany, he was made marshal of France in 1759, in which position he showed, according to Jomini, much skill. Falling into disgrace after the battle of Corbach, he was not restored to favor until 1764, when the king gave him the government of the Trois Evéchés. Under Louis XVI he took high military position and became secretary of war. He left France, however, after the king's execution, and was in command of the first emigrant troop that entered into the allied ranks against France. With the allies he served in several campaigns, and died in Germany in 1804.

Charles Francis Broglie, the "Count" Broglie with whom we have more particular concern (brother of Victor François), was born in 1719. He was French ambassador to Poland in 1752, his object, in which he had little success, being to retard Polish absorption in Russia. In the Seven Years' War he took an active part. After this war he was employed in the secret diplomacy of Louis XV, his performances in this line being narrated in the curious work The King's Secret, by the Duc Charles Jacques de Broglie, in 1778. After the war of 1778 against England was declared, Count Broglie applied for the command of an armed camp forming in Normandy for an invasion of England, but this appointment was refused, and, despairing of the promotion, he engaged in unwise litigation, in order to obtain the condemnation of those who he thought unjustly prevented his advancement. This embittered the remainder of his life, and he died in 1781, as much, his biographer tells us, from despair and disappointment as from disease.*

Count Broglie's intimate connection with the secret policy of Louis XV brought on him the disfavor of Louis XVI. Vergennes, however,† removed the ban so far as to restore the count to employment, though not to favor. He had, in the fall of 1774, high provincial military command given to him, and his position was strengthened by the report of the two ministers to whom his case had been referred, that in his conduct he had acted under the express directions of the deceased king. But the Count, who, in an opinion indorsed by Doniol, was distinguished as much for recklessness as for ability, could not believe that his return to favor had been but partial. He had been one of the most

* The history both of Marshal and of Count Broglie is ably given in Dr. Stillé's article on Broglie in the Penn. Mag. of Amer. History, etc., for Jan., 1888.

† See 3 Doniol, 636.

accomplished generals in the prior war. He had strong friends in the administration. He naturally sought a field of action suitable to his past services and to the rank which his family had obtained. At what time he looked to America as the theater in which the anxieties of his past could be obliterated and new renown won is not certain. It is clear that he had no part in the movements in behalf of America which took place prior to the fall of 1775; but towards the end of that year he was in conference, as to American affairs, with Kalb, who was one of his brother's staff, and whom, as we will see, Choiseul had sent to America in 1769 as a secret agent to report on the then relations of the Colonies to the mother country. Of Count Broglie Horace Walpole thus speaks:

"If he is at Paris, you will see a good deal of the Comte de Broglie at Madame de Deffand's. He is not a genius of the first water, but sometimes agreeable." (Horace Walpole to Conway, Sept. 28, 1774; 6 Cunningham's Walpole, 128.)

Suggested as American general-in-chief.

§ 77. In a dispatch from Deane to the committee of secret correspondence, under date of December 6, 1776, is the following, which is omitted in Sparks' edition, and is now taken from the original in the Department of State:

"I submit one thought to you, whether, if you could engage a great general of the highest character in Europe, such for instance as Prince Ferdinand, Marshal Broglie, or others of equal rank, to take the lead of your armies—whether such a step would not be politic, as it would give a character and credit to your military, and strike perhaps a greater panic in our enemies. I only suggest the thought, and leave you to confer with the Baron de Kalb on the subject at large."*

Kalb, as we will presently see, was preparing at this time for his voyage to America. On December 11, 1766, Broglie addressed him a letter, which is thus translated in the American edition of Kapp's Life of Kalb, page 94:

"I do not doubt that the plan communicated to you by M. Dubois meets your entire approbation. It is clearly indispensable to the permanence of the work. A military and political leader is wanted, a man fitted to carry the weight of authority in the colony, to unite its parties, to assign to each his place, to attract a large number of persons of all classes and carry them along with him; not courtiers, but brave, efficient, and well educated officers, who confide in their superior, and repose implicit faith in him. There need not be many grades of a higher order, but there is need of some, because the corps and the country are separate from each other; not but that there is room enough for a number of persons from among whom a selection may be made. The main point of the mission with which you have been intrusted will, therefore, consist in explaining the advantage, or rather the absolute necessity, of the device of a man who would have to be invested with the power of bringing his assistants with him, and of assigning to each the position for which he should judge him to be fitted. The rank of the candidate would have to be of the first eminence, such, for instance, as that of the Prince of Nassau. His functions, however, would have to be confined to the army, excluding the civil service, with, perhaps, the single exception of the political negotiations with foreign powers. *In proposing*

*See note to this letter, *infra*, under date of Dec. 6, 1776.

such a man, you must, of course, not appear to know whether he entertains any wish for such a position; * but at the same time you must intimate that nothing but the most favorable stipulations would induce him to make the sacrifices expected of him. You would have to observe that three years would be the longest period for which he could possibly bind himself, that he would claim a fixed salary, to continue after the expiration of that period of service, and that on no account would he consent to expatriate himself forever. What should make you particularly explicit on this point is that the assurance of the man's return to France† at the end of three years will remove every apprehension in regard to the powers to be conferred, and will remove even the semblance of an ambitious design to become the sovereign of the new republic. You will, therefore, content yourself with stipulating for a military authority for the person in question, who would unite the position of a general and president of the council of war, with the title of generalissimo, field marshal, etc. Of course large pecuniary considerations would have to be obtained for the preparations for the journey and for the journey itself, and a liberal salary for the return home, much in the same manner as has been in the case of Prince Ferdinand. You can give the assurance that such a measure will bring order and economy into the public expenses, that it will reimburse its cost a hundred fold in a single campaign, and that the choice of officers who follow their leader at his word and form attachment to his person is worth more than the re enforcement of the army with ten or twenty thousand men. *You will know the persons who adhere to this leader and the unlimited number of subalterns;* you know that they are not courtiers, but excellent and well-bred soldiers; you *know better than others the great difference between the one candidate and the other*,‡ and will lay particular stress upon this point. You will be equally mindful to dwell upon the effect necessarily produced by such an appointment on its mere announcement in Europe. Even in a good European army everything depends upon the selection of a good commander-in-chief; how much more in a cause where everything has got to be selected and adjusted. It is not easy to find a man qualified for such a task and at the same time willing to undertake it. If matters down there—'là bas'—should turn out well, you should induce Congress immediately to send little Dubois back to Mr. Deane with full powers and directions. These powers should be limited in no respect, except in so far as to remove all danger of a too extensive use of the civil authority, or of ambitious schemes for dominion over the republic. The desire is to be useful to the republic in a political and military way, but with all the appropriate honors, dignities, and powers over subordinate functionaries; in short, with a well ordered power."

On December 17, 1776, Kalb addressed to Deane a paper entitled "Projet dont l'exécution déciderait peut-être le succès de la cause de la liberté des États-Unis d'Amérique sans que la cour de France parût y avoir pour le présent la moindre part."

Of this paper Dr. C. J. Stillé, in his excellent monograph on Broglie, published in the Pennsylvania Magazine of History, vol. xi, 378, gives the following extract:

"In comparing the condition of the United States with that of Holland when it suffered from the tyranny of its sovereign, I think that the same system which proved so advantageous for the establishment of the republic in the Low Countries would produce a similar effect in the United States.

* This points to Broglie himself, since the Prince of Nassau, who was introduced as a mere mask, does not appear to have ever indicated any desires on the subject which it would be the duty of Kalb to concede.

† This excludes the Prince of Nassau, and points directly to the Count de Broglie.

‡ That is, between the Prince of Nassau and Count de Broglie.

"The beginning of the Revolution in America is an event of the utmost importance to all the European powers, but especially to France, which would take any measure to bring about the formal separation of the Colonies from the mother country which did not involve war with England. This is to be inferred from the aid already secretly furnished by France to the Americans.

"But in my opinion what is necessary for these States, now in the position of mere children, is some foreign troops, and especially a commander of a high reputation in Europe—one whose capacity for commanding an army is equal to that of the Duke of Brunswick or Frederick the Great, who should unite a name made illustrious by many heroes to a long military experience, and to qualities fitted to conduct such an enterprise with prudence, integrity, and economy, under the control of Congress."

"After stating," to adopt Dr. Stillé's summary, "that America can raise one hundred thousand troops, brave men indeed, but few trained officers, he speaks in complimentary terms of the merits and services of Washington, but then goes on to say:

"'That Congress itself seems to admit that it has need of foreign aid is clear, since it has applied to France for arms and for *officers;* that many had been enrolled who were very inferior persons; and that evidently what Congress needed most, by its own admission, was the election of a chief commander, who should have power to choose his own subordinates, and that of course such a chief would select the best, who would be Frenchmen, and willing to follow wherever he would lead.'

"He thinks," so Dr. Stillé continues, "that the appointment of such a man to the supreme command would be equal to additional force of twenty thousand men, would double the efficiency of the American army, and especially that it would completely control in the interest of economy the military expenses.

"The writer is quite certain that such a man can be found in France; that his name, when announced, will unite all lovers of America and all capable soldiers in Europe. His terms would probably be his appointment as field marshal and generalissimo, with a considerable sum of ready money for the support of his family during his absence from France.

"In reply to the objections which may be made to this scheme, as that a man with such extended powers, with a large number of his officers completely subject to him, might be tempted to destroy the liberties of the country and make himself its master, he replies: (1) That his power would be subordinate to that of Congress, and that he would have the military control only. (2) That he (the writer) would risk his head that the noble and generous heart of his chief would be incapable of anything of the kind. After this assurance he speaks of the self-denial which the proposed chief will be forced to impose upon himself in leaving France, where he is on the point of being named *maréchal*, and that, therefore, it should be understood that if the Americans have need of his services they should ask the King of France to name their generalissimo duke and peer of France.

"He concludes by leaving the whole subject in the hands of Messrs. Franklin and Deane, only urging them to profound secrecy in regard to the project which he had submitted to them."

From the then stand-point of Broglie there was nothing strange in the idea that a European soldier of high social and political rank should be proffered to lead the American Colonies in their revolt. Poland, to which Kalb had previously gone on a mission similar to that with which he was now intrusted, had been for many years the object of enterprises of this very kind; Russia and France each in turn proffering subjects of distinction as candidates for the throne, while noble aspirants of

various grades entered the contest on their own behalf. Don John of Austria had been spoken of for an oriental sovereignty; Leicester, in Queen Elizabeth's time, and Marlborough, in the time of Queen Anne, received offers of the Government of The Netherlands. Wallenstein's aspirations for the imperial crown were regarded as but natural in view of his splendid military gifts and daring ambition. In after years Bernadotte was elected to the Swedish throne, and Maximilian sent by Louis Napoleon to govern Mexico. We have no right, therefore, to be surprised that Kalb, unaware of Washington's character and position and as yet imperfectly acquainted with that rude independence and impatience of foreign control by which the American character was marked, should have looked upon Broglie's election to an American dictatorship as feasible; and it is no more strange that he should have conceived such a project before his voyage than that he should have abandoned it in America when he saw how things actually were. But it is a matter of suprise that Deane should have gravely recommended such a project to Congress.

In this connection may be considered the following letters from copies of the dispatches of Stormont, British minister at Paris, to Weymouth, British secretary of state.

"Count Broglie certainly keeps up a correspondence with the rebel agents. I know that a letter directed to him was seen lying upon Deane's table." (Stormont to Weymouth, Aug. 16, 1776.)

"Though I can by no means warrant the intelligence I am going to give your lordship, yet it is of too important a nature to be passed over in silence. I will give it to you, my lord, exactly as I have received it.

"The French ministers not only disavow all engagements with the American Colonies, but have endeavored to trace to the bottom the cause of their lying under that suspicion, and have, in the course of their researches, made a very extraordinary discovery. They have found that Count Broglie has for many months past carried on a secret correspondence with the principal members of the Congress, upon whom he passed himself as a man authorized by government to treat with them. His rank and name deceived them; they thought they were treating with a minister secretly authorized by this court, and offered him the command of their army and very large appointments. He, on his part, engaged to furnish a body of six thousand men, three hundred officers thirty of them officers of artillery, and eighty-four pieces of cannon, all of them eight-pounders. These secret engagements raised the hopes of Congress, and were one of the principal reasons that determined them to pass the act of independence, but finding that the articles of Count Broglie's convention with them were not executed, they began to conceive some suspicions, and complained of the conduct of their secret emissaries here. Dr. Franklin, who had it in his instructions to try to unveil this mystery, has discovered all Count Broglie's secret maneuvers.

"It is still uncertain what steps the ministers will take, whether they will pass the whole over in silence, or resent the conduct of Count Broglie and the unwarrantable use he has made of their name." (Stormont to Weymouth, Feb. 5, 1777.)

It is not unlikely that Franklin, having some glimpse of Count Broglie's aspirations, should have mystified one of Stormont's "interviewers" by persiflage, such as that Stormont includes in the above dis-

patch. Or it may be that in retaliation for the fabricated "intercepted letters" published in England, some members of the French ministry may have been the means of the statement reaching Stormont.

That Arthur Lee was at least cognizant of a movement of this character may be inferred from his letter of February 14, 1776, to Colden,* in which, writing under disguise, he says:

"A general of the first rank and abilities would go over if the Congress would authorize any one to promise him a proper reception. This I had from Mr. Lee, agent for Massachusetts, but it must be secret with you, as I was not to mention it."

This "general" could scarcely have been General Charles Lee, who never attained a higher rank than colonel in the British service. Mr. Bancroft thus summarizes the facts as given in Broglie's letter to Kalb above quoted:

"The Count de Broglie, disclaiming the ambition of being sovereign of the United States, insinuated his willingness to be for a period of years its William of Orange, provided he could be assured of a large grant of money before embarkation, an ample revenue, the direction of foreign relations during his command, and a princely annuity for life after his return." (6 Bancroft's United States, 519.)

In a report to the British Government by "Edwards," a spy in their employment, under date of January 25, 1777, it is said, "The Count de Broglie offered Mr. Deane to take the command of the rebel army gratis." Two inferences may be drawn from this: (1) That there was a rumor afloat as to Count Broglie offering his services, such a rumor as might arise from loose talk on the part of Deane, or of some one of the Broglie clientage; (2) That "Edwards" had not accurate information of the position, since, if he had, he would not have made so gross a blunder as that of saying that Broglie offered to serve "*gratis*."

Early in 1777, however, all idea of a French dictatorship in America disappeared.

"La maison" (says Doniol, ii, 316) "qu'il habitait à Passy n'était pas devenue le rendez-vous des politiques et des gazetiers seulement; des militaires du plus haut rang venaient le féliciter des plans suivis par Washington. Les maréchaux Maillebois et de Broglie s'étaient plus à lui apporter leur approbation formelle."

Deane's conferences with Broglie, so far as they involved any offer of chief military command, were not only unauthorized by Congress, but could not have been regarded by him at the time he made them as anything more than a compliment, which was sufficiently backed up by him in the letter to Congress quoted above. Congress took no notice of the suggestion, nor, after Kalb's arrival in America, when he had the opportunity of seeing what was the state of the country, did it again emerge. †

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* See *infra*, § 141.

† In the Stormont Papers, forming part of the Sparks Collection, Harvard College, (No. 59), are several references to "Broglie's" activity in dispatches sent by Stormont in the early part of 1777.

French volunteers, characteristics of: La Fayette, Aboville, Armand, Berthier, Victor Broglie, Charles (Castries), Chastellux, Custine, Damas, Dumas, Du Portail, Fersen, Fleury, Charles Lameth, Theodore Lameth, Alexander Lameth, Lauzun, (Biron), Mauduit, Noailles, Segur, Vauban, Vienne, Antoine Vioménil, Charles Vioménil, Rochambeau, Duponceau.

§ 78. The French who took arms in the revolutionary cause may be divided into three classes:

(1) The rank and file of the armies sent over by Louis XVI. These came over simply under orders, with as little volition on their part as would have been the case had they been sent to Poland or to Turkey. The same may be said of the navy, including the officers, among whom there were very few who were volunteers.

(2) Adventurers who infested the American legation with applications for commissions and for money, and who would, in most cases, have been ready to enter into any service that would offer them pay and emoluments.* In speaking of this class Abbé Robin, in his Nouveau Voyage dans l'Amérique Septentrional thus writes: "The greater number of the first French who came to America when the Revolution broke out were men crippled with debts and without reputation at home, who, announcing themselves by assumed titles and false names, obtained distinguished rank in the American army, received considerable advances in money, and disappeared at once."† No doubt Deane was imposed upon, as is elsewhere seen, by disreputable adventurers, who were of the same type as those who in our own days hurry to enter into service in foreign insurrections. But the only case of an officer obtaining "distinguished rank in the American army under a false title" was that of Kalb; and though this eminent and gallant soldier had no claim to the title of "baron," yet that title was given to him by the French military authorities, and was passed to us from them. There was, it is true, a little occasional exaggeration by the early volunteers of their home military rank, but in no case was this exaggeration the means of winning high American commissions.

(3) Young nobles, officers in the French army, who came over as volunteers, leaving, in order to enter into the American service, high social positions as well as the prospect of that military promotion which in France the nobility could then almost exclusively command. These young officers offered themselves for American service under the stress of that enthusiasm for liberty which was then beginning to work power-

* See a curious "intercepted" letter of Baron de Bonstettin in London Chronicle of July 1–3, 1779.

The Historical Society of Pennsylvania contains copies of the following: Extrait du Journal d'un officier de la marine de l'escadre de M. le comte D'Estaing, 1782. Abrégé de la Révolution de l'Amérique anglaise, par M. * * * américain, Yverdon, 1779.

† See 3 Penn. Mag. of History, etc., 515. A letter to Count Broglie by a French officer in America (3 Doniol, 216) gives a startling account of the quality of the French officers then offering to serve Congress. Most of those in Charleston, S. C., on the arrival of the *Victoire*, in June, 1777, are described as covered with debts, some driven from their regiments, some whom the governors of colonies had sent out to get rid of them. At first these adventurers were well received, but soon they fell into a disgrace which their nation as a whole had to bear.

fully in France. It is not strange that it should have been so. The fact that literature in the then state of France reached only the privileged classes made it operate with concentrated effectiveness on those classes as it thus became a badge of privilege; and French literature was then dominated by two liberal impulses of unexampled power, that towards individual liberty, started by Voltaire, and that of socialistic liberty, started by Rosseau. It was natural that the young nobility should be seized by this enthusiasm. The nobility had been deprived of political power under Richelieu and Louis XIV. Court distinction, which was all that remained to them, had become so loathsome under Louis XV, that few generous minds could contemplate court life without disgust. The court, indeed, under Louis XVI was decorous, yet this very decorum took away from court life the luster, meretricious as it was, under which it had previously shown. Then came the American Revolution. By Franklin's presence in France the cause of this Revolution was allied to that of literature and science. In itself it opened to generous, chivalric, cultivated young officers the only field of distinction accessible to them. These officers were almost exclusively nobles, some of them representing families of the highest rank. They became the connecting links between the two revolutions. They brought from France the impulses which were then working to effect a revolution not only political, but social and economical. They carried back to France from America these impulses more or less modified by their American experience. Of these young nobles, infusing as they did something of the temper of French liberalism into the American Revolution and something of the temper of American liberalism into the French revolution, a few words may now be said in detail. They were not formal diplomatists, but they took and brought back, by their actions, messages of great moment to the nation to whom they came and the nation to which they returned.

La Fayette.

La Fayette, in his relations to America, has been already spoken of.* Of his position in European politics no terser or truer summary can be found than that given by Charles X. "He and I," so said that most unwavering of absolutist princes, "are the only two perfectly consistent men in France; he, in his unflinching devotion to constitutional liberalism; I, in my equally unflinching devotion to monarchy without a constitution." La Fayette, when he entered the National Assembly, insisted on, as essentials to good government: First, a bill of rights, embracing the main safeguards contained in the Declaration of American Independence and in the Amendments to the Constitution of the United States. Second, the distribution of power in three co ordinate departments—legislative, executive, and judicial. The bill of rights he readily succeeded in carrying not only promptly, but with immense enthusiasm on the part of the Assembly; but earn-

* *Supra*, § 72. As to La Fayette's Virginia campaigns, see 6 Mag. of Amer. History, 340.

estly and even passionately as he advocated it, he did not succeed in the second and most essential proposition, that of investing the executive and the judiciary with powers co-ordinate with the legislature. But to this position he adhered, true to liberty, and at the same time true to the belief that liberty was as much endangered by legislative or popular as by executive usurpation. It was his fidelity to this last conviction that caused him to be persecuted in turn by the revolutionary convention of 1793, by Napoleon, and by the Bourbons.

Among the French nobles who came to us under the same impulse as La Fayette the following may be mentioned, taking them in alphabetical order:

Aboville. Francis (Comte d') Aboville was born at Brest in 1730. He came to America as a volunteer in 1778, and served in America as colonel under Rochambeau. Returning to France, he was made a general of brigade in 1789 and a general of division in 1792, in which position, being in command of the armies of the north and of Ardennes, he denounced the treason of Dumouriez. After the 18th of Brumaire he became successively first inspector-general of artillery, senator, and governor of Brest. His position had been that of a liberal constitutionalist of the Gironde type, and he remained in comparative seclusion during the Empire. When Louis XVIII returned and proclaimed a constitution tolerably liberal he was supported by Aboville, who held high military office until his death in 1815.

Armand. Charles Armand Tufin, Marquis de la Rouarie, was born in 1756, in Brittany. His early life was at least sufficiently adventurous. He fought a duel when not much more than a boy to sustain his pretensions to a beautiful actress; and then, as a way of either making amends for his folly or evading domestic discipline, he hid himself for a while in a Trappist monastery. This, however, he could not long endure, and, seized with enthusiasm for America, he took passage in March, 1776, for Philadelphia. The ship, which was chased by British cruisers, was run aground on Delaware Bay, her papers, passengers, and crew being saved. On May 10, Armand was commissioned by Congress as colonel, and he was authorized to raise a corps of Frenchmen for the Continental service.* He was with La Fayette in an encounter at Gloucester in November, 1777, and took part in the engagements at Red Bank and Brandywine. On February 4, 1779, he wrote to Congress asking leave to return to France, upon which Congress passed a resolution expressive of its approval of "his disinterested zeal and services." He determined, however, to put off for a time his departure; and on February 13, 1779, Congress appropriated $94,000 to him to enable him to recruit his corps. He distinguished himself during the ensuing summer and fall by great efficiency as a

* See 4 Washington's Writings, 422; 5 *id.*, 171; Corr. of Rev., Letters to Washington, i, 375.

partisan leader, winning high applause from Washington.* In the Southern campaign of 1780 he was with Gates at Camden, where his "legion," it was alleged, shared in the common disgrace, though as to how far its leader was responsible for this has been a matter of much dispute.† Of Armand Washington shortly afterwards writes:

"Colonel Armand is an officer of great merit, which, added to his being a foreigner to his rank in life, and to the sacrifices of property he has made, render it a point of delicacy as well as justice to continue to him the means of serving honorably." (Washington to President of Congress, Oct. 11, 1780; 7 Washington's Writings, 252; to same effect Washington to Armand, Nov. 27, 1780, *id.*, 309.)

On February 3, 1781, Armand then proposing to sail for Europe, Washington commended him to Biron "as an officer who has distinguished himself by his talents, bravery, and zeal in the service of this country."‡

On his marriage Washington sent him a letter of warm congratulation.§ When in France, where he spent the summer of 1782, Armand made many purchases for the American service; and on his return, in September, he appears to have been under Washington's immediate orders. On March 26, 1783, he was made brigadier-general, having been previously detailed to the support of Greene in South Carolina. In 1784, on his return to France, he re entered his post in the French army, and in 1788 was appointed colonel of chasseurs. Of his political position the following notice is given by Jefferson:

"The noblesse of Bretagne, who had received with so much warmth the late innovations in the government, assembled and drew up a memorial to the king, and chose twelve members of their body to come and present it. Among these was the Marquis de la Rouarie (Colonel Armand). The king, considering the noblesse as having no legal right to assemble, declined receiving the memorial. The deputies, to give greater weight to it, called a meeting of the landed proprietors of Bretagne resident at Paris, and proposed to them to add their signatures. They did so to the number of about sixty, of whom the Marquis de La Fayette was one. The twelve deputies, for having called this meeting, were immediately sent to the Bastile, where they now are, and the Parisian signers were deprived of such favors as they held of the court." (Jefferson to Jay, Paris, Aug. 3, 1788, 3 Jefferson's Works, 450.) The deputies of Bretagne are released from the Bastile. (Same to same, *id.*, 483.)

He subsequently took strong royalist ground; was a conspicuous leader in various reactionary movements in Brittany; became a refugee, and died of fever when under proscription, in a place of refuge, on January 30, 1795.‖

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* 2 Penn. Mag. of History, etc., 9.

† See the authorities examined in 2 Penn. Mag. of History, etc., 18 *ff.*

‡ *Id.*, 394. See to same effect Washington to Congress, March 7, 1783, 8 *id.*, 391; Washington to Rochambeau, May 16, 1784, 9 *id.*, 44.

§ 9 *id.*, 190.

‖ An interesting life of Armand by Mr. Townsend Ward is given in 2 Penn. Mag. of History, 1 *ff.* A series of letters from Armand to Washington, covering the period of Armand's military services in America, will be found in the collections of the New York Historical Society for 1878. These letters relate almost exclusively to matters military, though they are diversified by an account of a bloodless duel in February, 1782,

Berthier. Alexandre Berthier was born at Versailles in 1753. In his seventeenth year he entered as major in the corps royal, and, volunteering in the American service, was with La Fayette in several encounters and was with Rochambeau in West Chester, and at Yorktown. Attaching himself on his return to France to La Fayette, he was nominated as major-general of the national guard of Versailles, in which post he showed a chivalric devotion to the safety of the royal family. He then served with distinction at La Vendée, and in 1796 he took high command in the Italian campaigns. It was in these campaigns that he became closely attached to Napoleon, becoming as chief d'état major géne ral de l'armée. Under the imperial government he was successively marshal of the empire, prince of Neufchâtel, and prince of Wagram, and he married a niece of the king of Bavaria. Notwithstanding this acc umulation of honors, coupled with enormous emoluments, he was among the first on the restoration to recognize Louis XVIII, who made him a peer and gave him confidential military rank. The hundred days placed him in a position of great distress.

Napoleon, not aware of his defection, wrote him an affectionate letter, calling on him for aid. In order to avoid the alternatives thus pressed on him he hastened to his country residence at Bamberg, where shortly afterwards he was found dead under his window, killed by the fall. The prevalent opinion was that he had thrown himself from the window in agony at seeing Russian troops march by on their way to Paris. According to another account he was thrown from the same window by armed assassins. His abilities were practical rather than speculative; the enthusiasm for liberty which brought him to America remained at least latent during the remainder of his life. His value to Napoleon consisted in his extraordinary capacity for the arrangement and execution of military details.

Prince de Broglie. Victor Claude (Prince de) Broglie, a son of Victor François (duc de) Broglie, was born in 1757. He visited the United States at the close of the revolutionary war as a volunteer, and won in a marked degree the regard of Washington. Returning to France, he took strong li beral grounds, differing in this from his father, and his uncle, Count Charles François Broglie, but agreeing with his cousins, the Lameths. Prince Broglie was a deputy to the States General, and was employed as "maréchal de camp" in the army of the

between Armand and "Captain Snickers," and by letters after his return to France as to the payment of arrears, and as to the political condition of France. In a letter of June 18, 1789, he speaks of himself as keeping terms with all parties, and as fearing "two great evils for my country—anarchy on the one hand, despotism on the other."

On January 2, 1790, he denounces the "constitution's makers," and deplores the general disorder of the realm. On March 22, 1791, he writes still more despondingly: "Our political affairs are all in the most deplorable situation; loyalté, good sense, firmness, seem to be banished from our unhappy and perhaps more guilty country."

Rhine. He refused adhesion, however, to the decree of deposition of August 10, and was arrested and executed early in 1794 by the order of the revolutionary tribunal. Shortly before his death he prepared a letter to his family, declaring that his attachment to liberal constitutional government was unshaken, resolute as had been and was his determination to resist decrees which established a despotism of terror instead of a government of law.*

Charles Castries.

Armand-Nicolas-Augustin (Comte de) Charles, in our service, afterwards Duc de Castries, was born in 1756, and was for a short time connected with Rochambeau's family in our Revolutionary war.† He was a deputy to the noblesse in the National Assembly, and, during the sessions of that body had a quarrel with Charles de Lameth, which ended in a duel, in which the latter was wounded. Castries left France shortly afterwards, and organized a corps of emigrants, whom he commanded in some of the earlier allied attacks on France. He did not return to France until 1814, when, under the Bourbon restoration, he was made a peer of France and lieutenant-general.

Chastellux.

François Jean de Beauvoir, Marquis de Chastellux, was born in Paris in 1734, and was a relation of La Fayette. He entered the French army in 1747, and served through the Seven-years' war with distinction. On March 1, 1780, he was

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* See 2 Dulaure's History of France, 175; 3 *id.*, 228; 5 *id.*, 482.

Prince de Broglie and Count de Segur visited Washington at his headquarters on October 8, 1782, and in a letter of October 18 to Franklin, Washington spoke of them as "amiable and accomplished young gentlemen." Of Broglie, Franklin in his note of introduction of April 8, 1782, said:

"He bears an excellent character here, is a hearty friend of our cause, and I am persuaded you will have a pleasure in his conversation."

A narrative by Prince Broglie, translated by Miss E. W. Balch, of Philadelphia, appears in the Magazine of American History for April, 1877.

"On Prince Broglie's return from America he joined the party of nobles who maintained liberal ideas, and was sent to the Constitutional Assembly as deputy for the district of Colmar, where the estates of his wife were situated. He acted with the minority of the nobles in the assembly, and when that body was dissolved he served as chief of staff in the army of the Rhine, commanded by Maréchal. After the 10th of August, and the fall of monarchy, he resigned from the service and retired to his country seat in Franch-Comté. There he was arrested October 28, 1793, and was taken to Paris, where he was guillotined June 27, 1794, just a few days before the 9th of Thermidor." (1 Mag. of Amer. History, etc., 180.)

In a notice by Mr. C. H. Hart of the article on "Prince de Broglie" in 1 Magazine of American History, 180, the correctness of the title *prince*, in the case of Claude Victor de Broglie, is questioned. His father, as is said, was Duc de Broglie, and survived the son. To this it may be replied that the title "prince" was given to him on his visit to America by La Fayette, and that he was consequently so addressed when here. (See Livingston to La Fayette, Nov. 2, 1782.)

† I every day expect my brother-in-law, Count de Charlus, only son to the Marquis de Castries, who enjoys a great consideration in France, and has won the battle of Closter Camp. (La Fayette to Washington, Nov. 13, 1780.)

made *maréchal de camp;* and, in recognition of his services at Yorktown, was appointed, on December 5, 1781, governor of Longwy. Of his visit to Washington, on December 5, 1782, he gave an animated account in his "Voyage dans l'Amérique Septentrionale dans les années, 1780–1783."* He died in Paris on October 28, 1788, a pronounced liberal in his political views. His literary reputation was high, having obtained for him a place in the French Academy.

To Chastellux, Washington, on December 14, 1782, wrote as follows:

"A sense of your public services to this country and gratitude for your private friendship quite overcame me at the moment of our separation. But I should do violence to my feelings and inclination were I to suffer you to leave this country without the warmest assurances of an affectionate regard for your person and character." (8 Washington's Writings, 366.) †

Custine.

Adam Philippe (Comte de) Custine was born at Metz in 1740. At an early age he entered the army and served with Marshal Saxe in his Netherland campaigns. His conduct in those and following campaigns was so meritorious, that Choiseul created for him a regiment of dragoons called after him, of which he took command in 1780. He obtained by exchange the command of an infantry regiment, which was sent to America, where, as references in the following pages show, he greatly distinguished himself. On his return to France he was made maréchal de camp, and was made governor of Toulon. In the National Assembly, to which he was elected a member in 1789, he acted generally with the left. He was head of an army division on the lower Rhine in 1792, and seized Landau, Spire, Worms, Mentz, and Frankfort. His evacuation of these cities drew on him suspicion, but he was received back with favor and appointed to a command in the north. This, however, was only an illusory honor. The convention decreed his arrest, and "Levasseur de la Sarthe charged himself with this perilous mission. Arrived at the camp, the representative desired a review of the troops; forty thousand men were under arms. The soldiers, who suspected Levasseur of coming to carry off their chief, refused him military honors. * * * The general was arrested. Custine did not imitate Dumouriez. He obeyed, and preferred the scaffold to the land of the stranger. * * * Custine (on his trial) terminated the debate by a defense of two hours, wherein the clearness of his refutation, the dignity of sentiment, the masculine and sober pathos of the warrior, and the revolutionary eloquence of the undoubted patriot, inspired all spectators with emotion and respect. The juries, by an unexpected majority, delared him guilty. The tribunal pronounced the sentence; it was that of death. * * * On rising (in his cell) he requested a priest, and passed the entire night with the minister of God. * * * He wrote a feeling letter to his

* See 1 Penn. Mag. of History, etc., 366.

† See also 7 *id.*, 308, 319, 325; 9 *id.*, 346, where Washington congratulates Chastellux on his marriage. See also 1 Penn. Mag. of History, etc., 227, 360; 2 *id.*, 166, 472.

son, to recommend to him the care of his memory in the brilliant days of the republic, and the re-establishment of his innocence in the hearts of the people when time should remove their suspicions."* To his creed as a constitutional liberalist, holding the same doctrines as La Fayette, he remained true to the end.

Of Custine, Sybel, a judicious German critic, thus writes: "Custine, formerly a marquis of the ancient régime, employed in diplomatic missions and frequently honored by the confidence of the Emperor Joseph and the favor of the Prussian Government, has taken part in the revolution with all the pride and self-confidence of an experienced politician and a gallant soldier. Like most of his contemporaries, he had no presentiment of the incalculable vastness of the interests at stake, and no consciousness of the duties, the non-performance of which must bring about universal ruin to his country. He saw nothing but the glorious fruits of enlightenment, extension of power for France, and the promotion of his own personal interests. In his fiery zeal he had advanced too far to recede, and was even obliged to atone for his title of ancient nobility by showing himself the most radical of all the generals in the army of the Rhine." 2 Sybel's French Revolution, 164. †

Damas.

Étienne Charles (Duc de) Damas-Crux was born at the castle of Crux in 1754, and was engaged in the American war as colonel of the Aquitaine regiment, but was taken prisoner and after his release returned to France. During the revolution he emigrated from France, and was maréchal de camp in the army of Condé. In 1801 he was one of the family of the Duc d'Angoulême, with whom he returned to France in 1814, and on the second restoration received high military and civil appointments. Refusing office under Louis Philippe, he died in retirement in 1846.

Dumas.

Matthieu Dumas was born in Montpelier in 1753, and was distinguished through his military career for his great capacity of organization and administration. Entering service in his twentieth year, he was an effective aid of Rochambeau during the latter's American campaigns. ‡ After the peace Dumas was employed on several important missions connected with his profession. In 1789 he took active part with La Fayette in the organization of the national guards. He was placed by the National Assembly in leading military positions; but he was suspected by the ultra-revolutionists, and with difficulty made his escape from Paris. Returning to France after the 18th Brumaire he was appointed to a prominent military position by Napoleon. He was a general of division in 1805, and was minister of war to King Joseph in Naples in 1806–1808. Becoming intendant general in the Russian campaign, he was taken prisoner, with his suite, at the capitulation of Dresden in 1813. He acquiesced in both the first restoration and in the government of the hundred days, but on the second restoration was remitted to private life. In 1822 he was

* 3 Lamartine's Girondists, 98, 132, 133. See 7 Washington's Writings, 316, 319.

† See also 2 Dulaure's, History of France, 273, 295, 489, 4 *id.*, 492.

‡ For his account of the battle of King's Bridge, see 4 Mag. of Amer. History, 43.

elected a deputy, and as such took part in the movements which led to the revolution of 1830, under which he for the third time was appointed to take charge of the organization of the national guards. He was a devoted friend of La Fayette, whose earlier and later political course he followed. He died in Paris in 1837.

Dumas thus describes one of the minor incidents of the campaign before New York in 1781:

"My friend Charles de Lameth, the two brothers Berthier, who had lately arrived from France and joined our staff, and myself, established our bivouac near the headquarters of our general, M. de Beville, (the quartermaster-general of the army), in a very pleasant situation between rocks and under the shade of magnificent tulip trees. We amused ourselves in ornamenting this little spot, near which our cannon were fixed, and in a short time and at a very trifling expense we had a very pretty garden. General Washington, who was taking a survey of his line, desired to see us. We had been apprised of his visit, and he found on our tables the plans of the battle of Trenton, with the account of the war of West Point and several other actions of the war." (4 Mag. of Amer. History, 21.)

Here, under these tulip trees, meeting the chief of the American Revolution, were the Lameths, representatives of constitutional liberalism in the French revolution, and Dumas and Berthier, representing that revolution in its various stages, and the empire in its rise and fall.

In Blanchard's Memoirs, the journey of himself and Dumas from Providence to New York, on June 16, 1782, is narrated with much liveliness. They left Providence June 16 with two servants and three horses. They dined at Waterman's tavern, fifteen miles from Providence, where they paid 9 livres, French money, for dinner and forage. At Hartford some days were spent in establishing a hospital, where "I was, by way of parentheses, compelled to fight, in the presence of a great number of Americans, with three nurses who mutinied." On the 29th he dined under a tent with Washington. "Twenty-five covers were laid for officers of the army. The table was served in the American style, and pretty abundantly: vegetables, roast beef, lamb, chickens, salad dressed with nothing but vinegar, green peas, puddings, and some pie, a kind of tart greatly in use in England and among the Americans. They gave us on the same plate beef, green peas, lamb, etc. At the end of the dinner some Madeira wine was brought, which was passed around whilst drinking different healths to the King of France, the French army," etc. (Stone, "Our French Allies," 390, citing Blanchard, 146.)

Du Portail.

Chevalier Lebègue Du Portail, being at this time lieutenant-colonel in the royal corps of engineers in France, was, on February 13, 1777, received by Messrs. Franklin and Deane in the service of the United States with the rank of colonel. To the incidents connected with his American career reference is elsewhere made. On his return to France he received the grade of general of brigade, and then passed some time in Naples, where he was employed in reorganizing the military system. In 1788 he was made maréchal de camp, and in 1790 was called to take charge of the department of war.* While occupying this post he was charged with relaxing military discipline

*See index, title Du Portail; and see *infra*, Girard to Congress, Jan. 15, 1779; Franklin to Vergennes, Feb. 2, 1782; as to original contract with, see entry made under date of Feb. 13, 1777; for letter commending him, see Livingston to Franklin, Nov. 24, 1781. Du Portail was chief of the engineer corps at the siege of Yorktown.

by permitting his soldiers to visit political clubs. This exposed him to royalist attack, while he encountered republican censure from his alleged neglect of volunteer arming and of frontier defense. To the last charge he defended himself on the ground of want of funds. He was condemned to death, but made good his escape, and sailed for America. After the coup d'état of the 18th Brumaire he took passage for return, but died on the voyage.*

* For correspondence of Du Portail with Washington, see 1 Sparks', Rev. Cor., 407, 408; 2 *id.*, 353, 450.

"You knew Du Portail, the minister of war. He is said to be violent in favor of the revolution. It is more than a year since I have seen him, excepting a short visit of congratulation the other day. My judgment, therefore, should have little weight, but I believe he is too much the friend of liberty to approve of the constitution. For the rest, he has, as you know, that command of himself and that simplicity of exterior deportment which carry a man as far as his abilities can reach." (G. Morris to Washington, December 1, 1790.)

Hutchinson, in his Diary, under date of June 10, 1778, gives what purports to be an abstract of a letter from Du Portail, dated December 11, in which the American success is attributed not to their own merits, but to British mismanagement. "He condemns the sending of Burgoyne with such an army through a horrid wilderness, where the Americans could harrass and distress them, and could fight in the only way advantageous to them. He says that after the victory at Braudywine, and another I forget, little or no advantage was made for want of cavalry." According to Hutchinson, Du Portail then goes on to question ultimate American success, which he says could be prevented if the British could keep 30,000 men permanently on this continent; and he declares that the Americans are "used to idleness, to drinking tea, rum, to smoking," etc, and "will not hold out in war," and have so violent an antipathy to the French, that "that they would sooner go over to the British army than fight with the French." But Hutchinson only claimed to give the substance of this letter, and remembering how inaccurate were English translations of other French intercepted letters, and how remarkably this letter chimed in with what Hutchinson wanted to believe at that time, we may question whether in this case Du Portail said all that is here imputed to him. He was no doubt discontented in December, 1777, but so far from thinking French co operation on the field impracticable, he did his best to bring it about. The letter also is open to the same suspicion of being corrupted in translation and publication as has since been found justly to attach to other alleged American documents issued during the war as "intercepted." Jones, in his History of New York, refers to this very letter as one put forth by the British to bolster up their case; and then it would not be strange if it was subjected to the same corruption as other documents issued from the same quarter for the same purpose. (2 Hutchinson's Diary, 209.)

Du Portail's "memorial" to St. Germain, as it is called, is given at length in the London Chronicle for 1782, vol. ii, 60, 65, 76, 84, 92. As it here appears it fills nearly twenty close columns, and is just such a document on America as the British ministry would at the time have prepared on November, 1778, when they are dated. "A. B." who sends them to the Chronicle, declares them to be "faithful translations of copies of the originals in the office of the secretary of state for the war department of France. The arguments used are almost identical with those which appear in the "intercepted" letters of Deane.

Of a curious and rare work entitled "Love and Patriotism, or the Extraordinary Adventures of M. Du Portail, late major-general," etc., a copy is in the library of the Department of State. It is a stilted romance, purporting to give Du Portail's advent, ures in Poland, where his title, according to the author, was Baron de Lovinski,

Fersen. Axel, (Comte de) Fersen, was born in Stockholm in 1750, but entering in early life into the French service, he took part in the American campaigns as colonel of the Royal Swedes, and was aid to Rochambeau at the taking of Yorktown, receiving at the hands of Washington the badge of the Cincinnati.* On his return to France he was attached to the royal family and his attachment to the queen was the subject of much republican criticism. On June 20, 1791, he undertook to procure a carriage for the king's escape from Paris. On this carriage he took the place of driver.† At Bondi, he handed the travelers to guards, in whose hands the arrest of Vergennes took place. After the return of Louis to the capital Fersen was sent by Louis on missions to the King of Sweden, to the Emperor Leopold, and to the King of Prussia. After the fall of the monarchy he returned to Sweden, where he was received with great favor by the king, being made marshal of Sweden. In this post, however, he incurred great popular enmity, and was killed in a riot in Stockholm in 1810. Fersen, however, cannot be ranked among the French officers who sought America under the influence of liberal views. His position in the French court was embarrassing from the peculiar and chivalric admiration exhibited by him for the queen, and for the interest which, drawn by his singular beauty and devotion, she seems to have taken in him. His transfer to America, no doubt the consequence of this awkwardness, was procured by Vergennes.

Fleury. François Louis Teissaidr, Marquis de Fleury, was born on March 28, 1749, at Languedoc. He was one of the party which accompanied Coudray in 1776, having previously obtained the rank of captain of engineers from the French Government. In the American army he served as volunteer, receiving a commission as captain, and was conspicuous for his gallantry at the battles of Brandywine and of Germantown. At Fort Mifflin he served during its six weeks' siege as engineer-in-chief, was severely wounded, and showed in the defense such gallantry and skill that the rank of lieutenant-colonel was conferred on him. At Monmouth he also distinguished himself, and in the assault at Stony Point, in 1779, he was first to mount the ramparts,

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and whither he went after the American Revolution. A subplot details the adventures of the daughter of Du Portail, and also of "Pulawski," who is described as having died at the siege of Savannah in 1779, and who appears to have been the father of Lodoiska, Du Portail's wife. The volume was printed in Boston in 1799, by Samuel Etheridge. Its style is so different from that of Du Portail's other writings to which we have access that (aside from the grotesque absurdity of its contents) its genuineness may be doubted.

* See his letters to his father in 3 Mag. of Amer. History, 369, 437.

† "Count Fersen is often using his ticket of entry; which surely he has clear right to do. A gallant soldier and Swede, devoted to this fair queen—as indeed the highest Swede now is * * * Count Fersen does seem a likely young soldier, of alert, decisive ways; he circulates widely, seen, unseen; and has business on hand." (2 Carlyle's French Rev., ch. 3, p. 8, in which Fersen's agency in the royal flight is vividly told.)

seizing and carrying off the British flag, for which act of gallantry he received a medal from Congress. From his own government he received the Cross of St. Louis and a pension for his Yorktown services. "On his return to France he was made colonel of a regiment at Pondichéry, 1784, and died in his native land with the rank of maréchal de camp." *

Charles Lameth.

Charles Malo (Count de) Lameth, a brother of Theodore, was born in Paris in 1754, and died in1832. His rank in Rochambeau's army was that of captain, doing as such, according to Larousse, brilliant service. Wounded severely at Yorktown, he was promoted to the grade of colonel. Elected in 1798 as a deputy of the nobles of Artois, though he was not one of the nobles who first joined the third estate, he ultimately took his place in the National Assembly as thus constituted, and in that body advocated constitutional reform, defending those reforms with much zeal and eloquence. As the revolution progressed he joined in its defense in the legislative hall until the close of 1791, when he resisted the measures then in progress for the absolute deposition of the king. After the massacre of the Champ-de-Mars a reconciliation, for the purpose of establishing a party of liberal conservatism, took place between the Lameths, Duport, Barnave, and their friends, and La Fayette. Charles de Lameth, however, was shortly afterwards arrested at Yvelot as unfriendly to the republic, but was released by the efforts of his brother Theodore. He then went to Hamburg, where he entered into business with his brother Alexander; but on the 18th Brumaire returned to France, and afterwards he received several important civil commands from Napoleon. Under Louis XVIII he was made lieutenant-general. He remained, however, in retirement until 1829, when he was elected a member of the house of deputies, and was one of the party of two hundred and twenty-one members who protested against the ordinances of July, and adhered to the revolution of July. But after this revolution he is reported as having taken part in the conservative reactionary movements which cost Louis Philippe his throne.

Alexander Lameth.

Alexandre Theodore Victor (Comte de) Lameth, another brother, was born in Paris in 1760, and died n 1829. As captain in a regiment of royal artillery he was engaged, with his brother, in the American war, and at its close was made colonel of cavalry. A deputy from the nobles in the States General of 1789, he was one of the first of his order to unite with the third estate, as was the case, says Larousse, with most of the young nobles who had engaged in the American war; he united liberal views in politics with those philosophical speculations of the eighteenth century, which were in themselves incompatible with the *ancien régime*. On the memorable night of the 4th of August he pronounced against feudal privileges, renouncing those to which he was entitled.

* Miss Balch, 1 Mag. of Amer. History, 726.

But after abolishing almost all the prerogatives of monarchy, he refused to agree to the abolition of monarchy itself; and he entered into relations with the court, in which he was for a time induced to believe that the court would really accept a system of constitutional reform. Occupying this position, he took part, under La Fayette, in the campaign of 1792, and was taken prisoner with La Fayette by the Austrians, and confined with La Fayette in the prisons of Namur, of Coblentz, and of Magdeburg. After a severe imprisonment of three years he was released at his mother's intercession. Returning to France after the 18th Brumaire, he was nominated by Napoleon to several civil offices in succession. In 1819 he was elected deputy for the precinct of Seine-Inférieure, in which capacity, as a member of the left, he vigorously defended liberal politics.*

It was the misfortune of the Lameths to occupy, as did La Fayette, at the opening of the revolution a position which was as little acceptable to the court as it was to the Girondists or to the ultra revolutionists. As against the court, the Lameths took the ground that the executive was to be stripped of absolute power, and was to become a department of government co-ordinate with legislature and judiciary. As against the Girondists, they insisted that the legislature should not be invested with absolute power, and should, under the supervision of an independent judiciary, be placed in co-ordination with the executive. As against the ultra-revolutionary school, they held, availing themselves of their American experience, that while the people are to rule, their opinions are not to be collected from clubs or from mass meetings, or even from plebiscites, but from the action of their legislative representatives acting co-ordinately with executive and judiciary.

By the court the brothers were denounced as speculative doctrinaires; as deserters of their order;† as ungrateful to the crown, from whom, it was said, their family had received great favors. By the revolutionary terroristic tribunals they were proscribed as reactionists.

Lamartine, whose devotion to the Girondists led him to look with unfriendly eyes on all liberals who did not accept the Girondist distinctive views, thus spoke of the brothers:‡

"The Lameths', courtiers, educated by the kindness of the royal family, overwhelmed with the favors and pensions of the king, had the conspicuous defection of Mirabeau without having the excuse of his wrongs against the monarchy; this defection was one of their titles to popular favor. Clever men, they carried with them into the national cause the conduct of courts in which they had been brought up. Still their love of the revolution was disinterested and sincere. Their eminent talents did not equal their ambition."

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* Letters from him when at Magdeburg are given in 6 Mag. of Amer. History, 463, 446.

† Their father was of the old noblesse; their mother was a sister of Marshal Broglie.

‡ 1 History of the Girondists, Amer. ed., 34.

Sybel, a German author of excellent judgment, attributes the failure of the Lameths to a want of that dashing courage by which alone they could have maintained their position of antagonism to absolutism either in court, or in legislature, or in mob.*

Thiers, from his stand-point of constitutional liberalism, discussed the position of the Lameths more in detail and with a juster appreciation. In the earlier sessions of the National Assembly he declares, when the doctrinaire liberals formed a distinct party, "it was said at the time that Dupont conceived all that ought to be done, that Barnave expressed it, and that the Lameths executed it." † The Lameths, we are further told, while agreeing with Mirabeau as to the necessity of preserving the co-ordinancy of the executive department, were unwilling to give the king an absolute *veto*. He should be entitled to a *veto*, they said, but this should be qualified or suspensive. ‡ Alexander Lameth, following the precedent of the American Constitution, and here again differing from Mirabeau, insisted that in the legislature should be vested the prerogative of declaring war. § When, however, the alternative was entire destruction of the monarchy or its preservation under constitutional checks, the Lameths, true to their principles of distribution of power, took sides in favor of limited monarchy as against the absolutism of legislature or of clubs. "Nothing," says Thiers, "could be more praiseworthy in the state of affairs at that moment than the service rendered the king by Barnave and the Lameths; and never did they display more address, energy, and talent. || They failed, but it was in part, at least, because they tried to apply a constitution which had been evolved from American conditions to a people whose training had been that of France.

Theodore Lameth.

Theodore (Comte de) Lameth was born in Paris in 1756, and died in 1854. As a cavalry officer he was engaged as a French auxiliary in the Revolution, allied to La Fayette and Biron, sharing their liberal ideas; and on returning to France he took particular pains, as the head of a regiment, to avoid all collision with the inhabitants of the village in which he was quartered. In 1790 the electors of Jura made him president of the department, and chose him a delegate to the National Assembly. His position there was that of a constitutionalist, but when the extreme zealots of the mountain gained the ascendancy he escaped to Switzerland, and then went to England. Returning to France at the beginning of the Consulate, he spent the

* Sybel, 1 French Revolution, 301, *ff.*

As to Charles Lameth's motion to abolish the privileges of the nobles, see 1 Dulaure's History, 341; as to his duel with Castries, *id.*, 394, in which he was wounded.

† History of the French Revolution, Amer. ed., 78.

‡ *Id.*, 88.

§ *Id.*, 143.

|| *Id.*, 185.

remainder of his long life in seclusion, broken only by a service during the hundred days in the house of deputies.

Lauzun.

Alexandre Louis de Gontaut Lauzun (Duc de Lauzun), afterwards, on the death of his uncle, Duc de Biron, was born in Paris in 1747. Handsome, rich, of eminently noble birth, his youth was spent in wild dissipation. He entered the army in early manhood, and became the leader of the expedition which in 1779 captured the English settlement of Sambre. When he volunteered for America he was promised an independent legion of twenty-four hundred men. This promise, however, the ministry was unable to keep, and, with much grumbling, he was obliged to see his command reduced to four hundred cavalry and eight hundred infantry. Even of this force one-third was left behind from want of transports. When, however, in the American service, he distinguished himself as much by his romantic ideas of chivalry as by his bravery. On his return to France he inherited from his uncle the title of Duc de Biron. He was a deputy of the nobles to the States-general in 1780, and took decided liberal ground, and was placed by the revolutionists in 1792 at the head of the armies of the Rhine, and in 1793 accepting other high command. But in his political course he differed widely from LaFayette. Once engaged in the revolution, he permitted himself, with his usual disregard of consequences, to be carried into some of its wildest excesses; and it was his peculiar misfortune that his early intimacy with the Duc d'Orleans brought upon him some of the shadows which hung so heavily on that infamous prince. He was unquestionably a revolutionist, and his courage and social position, as well as his military skill, were of much benefit to the revolutionary cause. But the recklessness of his temper plunged him into quarrels with his associates, and after a violent collision with Rossignol, the Jacobin general, he was arrested, tried in Paris on the charge of disloyalty, was convicted, and on January 31, 1793, executed. "He died as he had desired to live, gallant, proud, and applauded."* But it was this love of applause that deprived his course of consistency and his character of weight. †

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* 3 Lamartine's Girondists, 286.

† He was commissioned to carry the intelligence of Cornwallis' surrender to France. He left immediately after that event. (See 8 Washington's Writings, 432.)

To him Washington, on May 10, 1783, wrote as follows:

"Your particular services, sir, with the politeness, zeal, and attention which I have ever experienced from you, have made a deep and lasting impression on my mind, and will serve to endear you to my remembrance. It would have been a great satisfaction to have had further opportunity to give you in person the assurances of my regard could your orders have permitted your longer continuance in the country."

Lauzun's troops sailed from the capes of Delaware on May 12, 1783.

Lauzun was in frequent correspondence with Washington as to the disposition of the French forces and their joint action with the forces of the United States. (7 Washington's Writings, 319; 8 *id.*, 64, 84, 87, 92–99, 109.)

Lauzun's residence at Newport, in 1780, was with Mrs. Hunter, at No. 264 Thames street, of which residence he gave an animated account, and where he left a reputa-

Mauduit.

Chevalier du Plessis Mauduit was breveted captain on September 19, 1776; distinguished himself at Germantown and Red Bank, and was promoted to a lieutenant-colonelcy on November 20, 1777. In 1779 he returned to France. His life was one of varied adventures. Born in 1753, he was scarcely twelve years of age when, escaping from the artillery school at Grenoble, he succeeded in making a tour of the world. After his return to France he ardently embraced the American cause and sailed for America, where, as a volunteer he rendered, as is said, distinguished service. He was appointed in 1787 to the command of the French regiment at Port-au-Prince. Here he took strong reactionary ground, and refused, in connection with the royal governor, to promulgate the liberal edicts coming from France. An insurrection took place, which he suppressed with great bloodshed; but the insurgents were re-enforced on March 2, 1791, by regiments arriving from France, who "fraternized" with the insurgents. In

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tion for considerateness and kindness which ought to be considered in connection with his Paris social exploits.

Of Lauzun, at this period, Fersen, in a letter to his father of November 30, 1782, writes:

"I can not repeat to you often enough, my dear father, how much I am attached to the Duke de Lauzun, and how fond I am of him. He is the noblest soul and most straight-forward character I know." (3 Mag. of Amer. History, 446.)

In volume 4 of the American Historical Magazine, page 51, is given a translation of Lauzun's narrative of the march of Rochambeau's army on Yorktown. In this narrative there is a vivid sketch of the encounter between Tarleton and Lauzun, as well as references to the parts taken by Viomenil and Custine. The paper is marked by Lauzun's usual levity, brilliancy, and self-admiration, coupled with occasional depreciatory remarks on the American militia.

Of the conduct of the French officers in Rhode Island in 1780 Mr. J. A. Stevens, in his interesting article on the French in Rhode Island (3 Mag. of Amer. History, 401,) thus writes:

"The courtly polish of the French contrasted strikingly with the overbearing arrogance which the colonists had, with rare exceptions, met from British officers. A Providence letter of the 22d, made public in the newspapers, is explicit on this point. 'The French officers of every rank,' it says, 'have rendered themselves agreeable by that politeness which characterizes the French nation;' and adds that the 'officers and soldiers wore cockades of three colors, emblematic of a triple alliance between France, Spain, and America.' The British had destroyed the forests on the island, and left no timber from which even soldiers' huts could be built. Rochambeau succeeded in obtaining from the mainland material enough not merely for the huts but for a large hall, which was used for social receptions."

Of Lauzun at Yorktown the author of the Diary of a French Officer, supposed to be Du Bourg (4 Mag. of Amer. History, etc., 446), writes that on October 4, "after charging several times at the head of his legion, he was ordered by M. de Choisey to fall back, and obeyed. As he was returning with his troops he saw one of the lancers of his legion at some distance engaged with two of Tarleton's dragoons. Without a word to any one he lowered his guard and went to his assistance."

Lauzun's Memoirs, as they are called, which were published in Paris in 1822, are of doubtful authenticity, so far as concerns the part that relates to his adventures in America. For notices of Lauzun, see Stone's "Our French Allies," 22, 26, 299–306.

the uproar that succeeded Manduit was massacred by his own grenadiers.*

Noailles. Louis Marie (Vicomte de) Noailles, lieutenant-colonel of the regiment Soissonais, at Yorktown, was born in Paris in 1756. He and La Fayette married sisters, and from the same stand-point as La Fayette he entered enthusiastically in the American cause. When he returned to France he took strong liberal ground in the States-General, and afterwards accepted high military appointments. In 1793, disheartened at the tone the French revolutionary movements were then assuming, he revisited America. After the 18th Brumaire he returned to France, where he was appointed brigadier-general to serve in St. Domingo, where he rendered singularly gallant services. He was mortally wounded on January 9, 1804, in the capture of a British cruiser near Havana.

Vauban. James Joseph (Comte de) Vauban, a grandson of the great engineer, was born in Dijon in 1754. As lieutenant in the "gendarmarie" of Luneville he was an aid to Rochambeau in America, and was a colonel at the beginning of the Revolution. He emigrated to Coblentz, serving under Condé, but returned to France during the Consulate, in which, however, he met with little favor. On the restoration he fell into disgrace on account of the publication of a history by him of the Vendean war, in which he criticised severely the Bourbon princes. He died in 1816.

Segur. Louis Philippe (Count de) Segur was born in Paris on December 10, 1753. He served under Rochambeau in the campaign of 1782. On his return to France his attractive manners and brilliant talent drew to him the attention of the court, and in 1784 he was sent as minister to Catherine II, by whom he was very favorably received. With his father he became afterwards a supporter of Napoleon, and was a member of the imperial senate in 1812. Although nominated, on the first restoration, to the house of peers, he joined Napoleon during the hundred days, and took then and afterwards opportunities of expressing to him devotion. In 1824 he published his "Mémoires," a translation of which appeared in Boston in 1825. He died in Paris in 1830. In the first volume of the "Mémoires" there is an animated account of the American Revolutionary war from the French stand-point.

Antoine Vioménil. Antoine Charles Vioménil† was born in the Vosges in 1728 of noble birth; was a captain in his nineteenth year, and was wounded during the Seven years' war, in which, in Hanover and Corsica, he took an active part. In 1770 he was ap-

* For a notice of an adventurous attack by him, in connection with Colonel Laurens, on the Chew House, at the battle of Germantown, see 4 Mag. of Amer. History, 198.

† Washington, in a letter to Baron Vioménil of December 7, 1782, says: "The many great and amiable qualities which you possess have inspired me with the highest sentiments of esteem for your character." (8 Washington's Writings, 365.)

pointed "maréchal de camp." In 1780 he was, as is stated above, second in command to Rochambeau, and was made lieutenant-general in 1781, and was attached to the army in Paris, under the command of Marshal Broglie. He was mortally wounded when defending the royal family in the attack on the Tuileries on August 10, 1792.

Charles Joseph Vioménil.

Charles Joseph Vioménil, the brother of the above, a marshal and peer of France, was born in 1734, and was also engaged in the Seven-years war. He was appointed brigadier in 1770 and maréchal de camp in 1780, and was with Rochambeau in his American campaigns. On his return to France he received in 1789 the government of Martinique. From this office he passed to the emigrant army raised by Condé, and then entered into Russian service, where Paul conferred on him the rank of lieutenant-general. He afterwards took a command under John VI of Portugal in resisting the French invasion of that country, and then, being relieved of command, settled for a time in England. Returning in 1814 with Louis XVIII he was intrusted with the organization of the royal volunteers of Vincennes. In 1815, being then eighty years old, he remained to the last at his post in opposing Napoleon on his return from Elba. On the second restoration he was placed at the head of a division and received in 1816, from Louis XVIII the *bâton de maréchal.* He died in 1827.

Rochambeau.

Jean Baptiste Donatien de Vimeur (Comte de) Rochambeau was born in 1725, and came to America under express royal orders, and can not, therefore, be classed among the young volunteer nobles whose histories are sketched above. He entered the royal service in 1742. In 1780 he was sent to America as lieutenant-general with a detachment of six thousand men. His arrival at Rhode Island, his movements in combination with Washington, first against Clinton and then against Cornwallis, are noticed in the following correspondence.* For his services he received the appointment of marshal. Under the revolutionary authorities he became commander of the army of the north; but his conduct being suspected, he was permitted to vindicate himself before the Legislative Assembly. He was at the time held to have disproved the charges against him, and he then retired to his estate near Vendôme. He was subsequently arrested under Robespierre, but on the death of that tyrant was released. In 1805 he was received at court by Napoleon, who gave him a pension, with the cross of a grand officer of the Legion of Honor. He died in 1807. In 1809 were published his "Mémoires."†

* See titles Rochambeau, Washington.

† See, for a notice of Rochambeau, 4 Mag. of Amer. History, 15, where it is said: "His reputation for courage and dash required of him no unusual exposure and placed his motives for inaction beyond the range of suspicion. The gravity of his character and his remarkable reticence impressed respect on his officers and held his troops in perfect control; yet, while as a disciplinarian he was rigid and severe, he

Duponceau.

Peter Stephen Duponceau, who, though he did not return to France after the Revolution, may not be improperly included in the present section, was born in the Island of Ré, France, on June 3, 1760. His early education was for the priesthood, and he went through a thorough course of preparatory study in general literature, as well as in languages, both ancient and modern. "After the death of his father, Duponceau became abbé, but in December, 1775, he left his place, and, with Paradise Lost in one pocket and a clean shirt in the other, he took his way on foot to Paris."* He there, after several literary ventures, became acquainted with Beaumarchais, who introduced him to Steuben, then preparing to go to America.

Ardently espousing the American cause, and adopting those liberal political views to which through his long life he unflinchingly adhered, Duponceau came to the United States with Steuben as secretary and aid-de-camp, landing at Portsmouth on December 1, 1777. On February 18, 1778, he was made captain in the American service. He served under Steuben until the close of 1778, when he was for some months confined in Philadelphia by a disease of the lungs, during which period he rendered much literary service to the Government, acting constantly as interpreter. This service he continued, with an intermission, in the winter of 1780–'81, when he joined Steuben in his Southern campaign, until October, 1781, when he was appointed a clerk in the office for foreign affairs, under the direction of Robert R. Livingston. In this position, which he held until June 4, 1783, he was, as the records of the department show, of immense use, as he not only was a thorough linguist, but was a master of international law. After he left the department he entered on a large practice at the bar, for which his

endeared himself to his troops by his fatherly and watchful care for their personal comfort." In 2 Bancroft's History of the Constitution, appendix, 420, 456, are given two characteristic letters of Rochambeau, evidently in his own English, to Washington. The first, of May 12, 1789, speaks of France as being in a "terrible crisis of finance;" deplores Necker's resignation, and speaks of Colonne, who succeeded, as "a devil of a fool." The second, of January 18, 1788, is as follows, and is of interest from what we learn in it of De Grasse as well as Rochambeau:

"Poor Count de Grasse, our colleague in the expedition against Cornwallis, is dead the day before yesterday of an apoplexy. He had an unhappy end; the pains he had after his unlucky fighting of the 12th of April, and having been lately married again to a woman of bad character—all that occasioned him a great sorrow. I made all it has been in my power to soften his pains, but by the vivacity of his head he did take always violent parts, which spoiled all what his friends could make in his favor. I long, my dear general, to see your convention passed upon the plurality of the States, and to see you President of a Confederation strongly settled."

As to Rochambeau's campaign in Rhode Island, see 3 Mag. of Amer. History, etc., 393; 6 *id.*, 1; 8 *id.*, part 1, 349. In 4 Mag. of Amer. History, etc., 205, 293, 441, is given a translation of the Diary of a French Officer, aid to Rochambeau, presumed to be the Baron Cromot du Bourg, relative to Rochambeau's campaigns in America.

* Kapp's Steuben, 609.

accomplishments gave him, in some departments, a position in which he was at the time without rivals. His publications were very numerous both in law and in general literature, and his genius for languages continued to exhibit itself even in extreme old age. When seventy-five he received from the French Institute a prize for a Memoir on the Indian Languages of North America, and in his seventy-ninth year he published a work of singular merit on the Chinese System of Writing. While an advocate for the adoption of the federal Constitution, he fell afterwards in the ranks of that school of liberal constructives who accepted the views of Jefferson and Madison. By Jefferson he was offered the position of chief-justice of Louisiana, which, however, he declined. Great as was his gift for the mastery of languages, he never was able to lose his strong French accent; but notwithstanding this drawback he wrote and spoke English with remarkable elegance of style and force of argument. In character he was singularly guileless and pure. In his old age his appearance was peculiarly quaint, and his bearing was much affected by his extreme short-sightedness, which, while it was of benefit to him in the endurance of vision it gave him in reading and writing, somewhat embarrassed him in his social ventures. He died in Philadelphia on April 1, 1844, and was buried with honors which showed how strong were the veneration and honor felt for him by the whole community. It is proper that this notice shall be here taken of him, since not only does the Department of State retain the records of his ability and industry as assistant to our first Secretary of State, but there was scarcely a question of international law arising under our earlier administrations as to which he was not consulted.*

Kalb, his early life.

§ 79. John Kalb, or de Kalb, as he was afterwards called, was, according to his biography,† the son of a German peasant, and was born in 1721. Entering in early life in the French army, and dropping his German nationality, he assumed the title of "baron," to which he had no hereditary right, but which he maintained with a success the more remarkable, as such titles were jealously watched, they being essential in the French system to high military promotion. His rank, however, was acquiesced in apparently without question; and it is due to him to presume that, in view of his subsequent honorable and manly career, it was in some way acceded to him by French authority. He obtained some distinction in the French service, and attached himself to the military family of Count Broglie, whose relations to America are noticed in a preceding section.

* To Duponceau we owe also a translation, with notes, of the first book of Bynkershoek's *Questiones Juris Publici*, published in Philadelphia in 1810, under the title of a Treatise on the Law of War, translated from the original Latin of Cornelius Bynkershoek, etc.

† Kapp's Life of Kalb, N. Y., 1889.

His secret mission to America in 1767.

§ 80. In 1767 Kalb was sent by Choiseul, no doubt on Broglie's suggestion, on a secret mission to America, doubtless as a part of that net-work of secret service by which the official diplomacy of France was underlaid. Kalb's instructions, as given by Kapp, were as follows:

(1) M. de Kalb will repair to Amsterdam, and there direct his particular attention to the rumors in circulation about the English colonists. Should they appear to be well founded, he will immediately make preparations for a journey to America.

(2) On his arrival he will inquire into the intentions of the inhabitants, and endeavor to ascertain whether they are in need of good engineers and artillery officers, or other individuals, and whether they should be supplied with them.

(3) He will inform himself of their facilities for procuring supplies, and will find out what quantities of munitions of war and provisions they are able to procure.

(4) He will acquaint himself with the greater or lesser strength of their purpose to withdraw from the British Government.

(5) He will examine their resources in troops, fortified places, and forts, and will seek to discover their plan of revolt, and the leaders who are expected to direct and control it.

Great reliance is placed on the intelligence and address of M. Kalb in the pursuit of a mission requiring an uncommon degree of tact and shrewdness, and he is expected to report progress as often as possible.

Kalb, according to his biographer, was at first unwilling to accept the trust. It was earnestly pressed, however, on him by Choiseul, all whose energies were bent on a recovery of French honor and influence, and who felt that this could be effectively furthered by aiding the Colonies in a revolt, if there was one, against the mother country.

"Do not," said Choiseul, "decline the mission with which I have intrusted you. I know that it is difficult, and requires great sagacity; but I have fixed my desire upon you after much deliberation, and know that you will see no reason to regret it. Ask of me the means which you think necessary for its execution. I will furnish you with them all."

Under this influence Kalb consented to undertake the mission, and in order at the outset to familiarize himself with the business relations of the Colonies he visited Holland and then England in search of the requisite information. After a long stay in Holland and a short stay in London he sailed on the 4th of October from Gravesend to Philadelphia, where he did not arrive until January 12, 1768, after a voyage as rough and exhausting as it was protracted.

Of Kalb's letters, in which he reported to Choiseul his observations on colonial conditions, it is requisite at present only to give such passages as apply to the diplomatic relations which the United States were about to enter into. The determination of the population not to pay the taxes imposed by the British Government he reported on January 15, 1768, to be general and resolute.

"Although each province has its own separate and distinct assembly, they all refused to acquiesce in the measure with the same decision and unanimity as if they had jointly deliberated upon their line of action. Some, it is true, were more violent than others, but the substance of each refusal was the same. The most violent of

these provincial assemblies were those of Boston and Philadelphia, where the commissioners of the new impost were even threatened in their persons. * * * All depends upon the policy of the court, which promises to be a conciliatory one, as the advantage derived by the British people from their connection with the Colonies is too great to permit the government to stop short of any efforts to preserve this invaluable magazine of raw productions and this most profitable market for its manufactures. The present condition of the Colonies is not such as to enable them to repel force by force, but their value to the mother country is their best safeguard against any violation of their real or imaginary privileges. In case of an insurrection the colonists would have nothing but their militia to depend upon, which, though very numerous, is not the best disciplined. On the other hand, the immense extent of the country, the want of ready money, the discord among the governors of the various provinces, all independent of each other, present great obstacles to the formation of an army and the speedy opening of hostilities in the respective neighborhoods."

This was only three days after his arrival at Philadelphia. In a letter of January 20, eight days after his arrival, he said:

"These acts"—those imposing duties on tea, pepper, etc.,—"are considered so many violations of their privileges, and revive all the grievances which the colonists claim to have suffered at the hands of the home government."

On Kalb's journey from Philadelphia to New York, on January 25, 1768, the boat on which he was crossing from New Jersey to Staten Island was cast adrift on the way, and some of the passengers died from the exposure, while Kalb lost his baggage, his money, and his cipher, and was so much injured by the exposure that he was not able to write to Choiseul until February 25. He then said:

"The Colonies seem to intrench themselves more and more in their system of opposition and of economy. * * * All classes of people here are imbued with such a spirit of independence and freedom from control that if all the provinces can be united under a common representation, an independent state will soon be formed. *At all events it will certainly come forth in time.* Whatever may be done in London, this country is growing too powerful to be much longer governed at so great a distance."

From Boston he thus wrote on March 2, 1768:

"I meet with the same opinions as in the provinces already visited, only expressed with greater violence and acrimony. * * * The inhabitants of this province (Massachusetts) are almost exclusively Englishmen or of English stock, and the liberties so long enjoyed by them have only swelled the pride and presumption peculiar to this people. All these circumstances go to show but too clearly that there will be no means of inducing them to accept of assistance from abroad. In fact, they are so well convinced of the justice of their cause, the clemency of the king, and of their own importance to the mother country, that they have never contemplated the possibility of extreme measures. * * * I am more and more astonished at the immense number of merchantmen to be seen in all the ports, rivers, and bays from the Potomac and Chesapeake to Boston harbor. And in addition to these, numberless ships are in course of construction. What must have been the trade of the Colonies before the disturbances began!"

From New York, on April 24, 1768, when on the eve of his return voyage, he thus wrote:

"Even admitting the possibility of positive rupture, the opening of actual hostilities between the court and the Colonies can not but be far distant, as it presupposes

the participation of the people, the shipment of large masses of troops, and extensive levies of soldiers and sailors. On the other hand, the Colonies, if hard pressed, would make a pretense of submission to gain time for creating a navy, concentrating and disciplining their forces, and making other needful preparations."

As sustaining Kalb's conclusions as to the unlikelihood of immediate revolt of a character which would invoke French aid, Kapp, Kalb's biographer, cites the concurrent opinion of Durant, the French ambassador at London, who on August 30, 1768, declared an early revolution in the Colonies improbable; while Châtelet, who succeeded Durant, told Choiseul that any premature hostilities of France against England would bring out the Colonies on the English side. And, as elsewhere seen, that was at the time the opinion of both Washington and Franklin, who would have been ready at that era, if there had been a rupture between France and England and if England took an attitude of conciliation, to support England against France.*

Enters American service in 1777.

§ 81. After Kalb's return to France he continued unemployed and without marked promotion until 1776. It was not strange that he should have then looked forward to employment in the war which had then actually begun in America. On November 16, 1776, Silas Deane accepted his services as a "gentleman of independent fortune and certain prospect of advancement here, but a zealous friend of liberty, civil and religious." Under this arrangement with Deane, Kalb had assigned to him the rank of major-general, to date from November 6, 1776.

Lord Stormont, British minister at Paris, was not without information of Kalb's projected adventure. In a letter quoted by Kapp (p. 86) he advised Lord Weymouth, then secretary of state, that—

"A M. Colbé, a Swiss officer, formerly in this service, who married a daughter of the famous van Robais, was sent for to Fontainebleau, and staid there some days. It was proposed to him that he should go to St. Domingo and from thence to North America; he should have the rank of brigadier and 9,000 to 10,000 livres a year during the time of his being employed. These conditions he accepted after some hesitation and set out from hence on Monday last. He is accompanied by Holtzendorff, a Prussian by birth, who was likewise engaged by this court, and has had the rank of lieutenant-colonel given him, with 6,000 livres a year. He is not thought to to be an officer of any distinction, but M. Colbé is, I am told, a man of ability. He was sent to North America during the ministry of M. de Choiseul, who gave him the 'ordre de mérite.'"

Stormont was probably misinformed as to "Colbé" being "engaged" to go to America by the French court, since there is no trace of this in either the French archives or our own or in Kalb's correspondence. But there is no doubt that Kalb obtained the assent of the French authorities before he accepted Deane's offer.

It was not until December 7 that, according to Kapp, the terms with

* De Kalb's mission of 1768 is discussed in a paper translated by Sparks from a manuscript found in the French war department. (32 Sparks MSS. Harvard College.)

Deane were finally settled; and when so settled they embraced stipulations as to La Fayette, then in his nineteenth year, though a married man with one child. La Fayette was a relative of the Count de Broglie and was introduced by Broglie to Deane.

In order to evade the observation of the British minister and his spies, the shipments destined by France to America were distributed in vessels at the ports of Havre, Nantes, L'Orient, and Dunkirk. Even when on the eve of embarkation, however, the vessels were subject to various delays. Du Coudray set sail, after having been previously compelled to put back, on February 14, 1777. It was not until March 25, that Kalb and La Fayette set sail, La Fayette being detained by the intervention of his family; but even when embarked their difficulties were not over. La Fayette, the ship having entered for dispatches the port of St. Sebastian, in Spain, received orders from Vergennes to return to France. This he did, and after arranging a settlement with his family, the *Victoire*, which he had chartered, set sail on April 20, having on board, in addition to La Fayette and Kalb, a number of French officers.

Of Kalb's zealous and at the same time intelligent attachment to the American cause not only his services in camp and council but his own statements bear witness. Thus in a letter, heretofore unpublished, in the Department of State, addressed to Dr. Frederic Phyle, at Philadelphia, dated at Paris, December 26, 1775, he says (in German), "that he would be gladly apprised of a good harmony restored between the Colonies and the mother country. I hardly can believe," he adds, "that the English ministry will pursue the rash and unjust measures and push the Colonies to violent extremities to preserve their natural and constitutional liberties." But he then goes on to say (in German) that if the war should continue between England and the Colonies, he would cheerfully put his "thirty-two years" of military experience at the service of Congress if officially requested. This was nearly a year before he took part in the movement, narrated in the prior chapter, to make "Count Broglie" commander-in-chief of the American armies; and his interest in that movement, taken up temporarily, ceased, as we have seen, after he had arrived in America and saw how absurd such an appointment would be.

Both Marshal Broglie and Count Broglie assented to Kalb's course in devoting himself to the American cause under the chieftaincy of Washington, and it was settled that he was to have a leave of absence for two years from the French service to engage in the service of America, with the understanding that a brigadiership should be conferred on him on the first opportunity in France.

To the fidelity, skill, and bravery shown by Kalb when in the American service it is not within the range of the present writer to pay a detailed tribute. His death on the battle-field, falling in a gallant charge, after action the most heroic, was the closing of a service to

America marked by the same characteristics of heroism, gallantry, and military skill.*

Kalb's death is thus narrated:

HILLSBOROUGH, *September* 2, 1780.

SIR: The Baron de Kalb, taken by the British and mortally wounded, desired me to repair immediately to Philadelphia, to give, in his name, to Congress a full account of his transactions relative to his command of the Maryland and Delaware line, since his departure from Pennsylvania, to clear his memory of every false or malignant insinuation which might have been made by some invidious persons, but as my wounds do not permit me to travel as fast as I could desire, I thought it convenient to prevent (*sic.*) you sir, of my repairing to Congress with all the baron's papers and accounts, that no measure be taken towards this affair before my arrival in Philadelphia, which will be as speedily as possible. The Baron de Kalb, deserted by all the militia, who fled at the first fire, withstood with the greatest bravery, coolness, and intrepidity, with the brave Marylanders alone, the furious charge of the whole British army; but superior bravery was obliged at length to yield to superior numbers, and the baron, having had his horse killed under him, fell in the hands of the enemy, pierced with eight wounds of bayonet and three musket-balls. I stood by the baron during the action and shared his fate, being taken by his side, wounded in both arms and hands. Lord Cornwallis and Rawdon treated us with the greatest civility. The baron, dying of his wounds two days after the action, was buried with all the honors of war and his funeral attended by all the officers of the British army. The doctor having reported to Lord Cornwallis the impossibility of curing my wounds in that part of the continent, he admitted me to my parole, to go to Philadelphia, for effecting an exchange between me and Lieutenant-Colonel Hamilton, prisoner of war at Philadelphia. But, sir, being informed by Governor Nash that this Mr. Hamilton is a man of very great influence among some Indian tribes, and that this exchange may prove of dangerous consequences, I submit in that case to drop the matter altogether, being unwilling that my exchange should be attended with the least injury to our cause, and should I not be able to negotiate another exchange I will fulfill the tenor of my parole.

With the highest esteem and consideration, I have the honor to be, sir, your excellency's most obedient and most humble servant,

LE CH. DUBUYSSON.†

Coudray.

§ 82. Coudray, or Du Coudray, an eminent French artillery officer, whose name appears frequently in the following volumes, was selected by St. Germain, secretary of war, in 1775, to visit the French arsenals, for the purpose of determining what munitions of war could be drawn from for American purposes in case it was determined to render aid to America. In September, 1776, he visited Strasburg, Dijon, Metz, Besançon, Charleville, and other posts, where he selected "two hundred 4-pounder field-pieces, with a hundred thousand balls, besides thirty thousand stand of small-arms and ammunition, and four thousand tents."‡

*As to the claim of Kalb's representatives against the United States, see *infra*, Luzerne to Livingston, April 17, 1782; Livingston to Luzerne, June 7, 1782; Luzerne to Congress, April 28, 1784; and also Kapp's life of Kalb.

†This interesting letter is in Papers of Continental Congress, No. 78, vol. 7, Department of State, and has never been published. It escaped the notice of Kapp when preparing his life of Kalb.

‡Kapp's Kalb, 84; see also Coudray's Memoirs, MSS., Department of State.

Sartorie, secretary of the navy, joined in the same movement; and, in order to throw the British agents, who were placed on watch in every port, off their guard, the vessels employed had manifests of San Domingo, while the officers engaged had given to them advanced rank, in view of their colonial service as thus proclaimed.

The *Amphitrite*, in which General Du Coudray and his suit were to be carried, set sail from Havre on December 14, 1776, but, in consequence of the bad equipment of the ship, which made her unfit for the sea, returned after a few days, as is detailed in Du Coudray's Memoirs, to L'Orient. It was not until February 14, 1777, that the *Amphitrite* finally sailed, Du Coudray having arranged the cargo and passengers to his own mind, and having at last overcome the difficulties incident in part to the system of duplicity adopted by the French court, in part to the mismanagement of Beaumarchais. He arrived in Philadelphia towards the end of June, when he applied for the rank of major-general, assigned him by Deane, to be accompanied with the command of the engineers as well as of the artillery. But these pretensions met with immediate and vehement resistance. Knox, who, though without military training, had a strong hold on the army, resigned when he found that he was to be outranked by Du Coudray, and was sustained by resignations by Sullivan and Greene. Congress, to settle matters, refused to accept these resignations, and also declined to assign Du Coudray to the artillery, giving him instead of the rank of major-general that of inspector-general of ordnance. In this he acquiesced, and applied for permission to join the army, just before the battle of Brandywine, as a volunteer captain of engineers. On September 16, however, he was drowned in the Schuylkill.

A very voluminous paper from Du Coudray, vindicating himself from the charge of factiousness in the movements connected with his embarkation, was sent by him to Congress, and is now on file in the Department of State. A part of this paper is given at pages 353 *ff.* of Doniol's work, heretofore cited; and the position taken by Doniol, as well as by other French critics, is that Du Coudray, while an engineer of great ability, was a mere soldier of fortune, ambitious of rank and money, without any enthusiasm in the American cause, and requiring from Congress, in a tone approaching to insolence, concessions incompatible with their independence, and with the respect due the officers of the army as then constituted.* It was to the arrogance of Du Coudray's course that Lafayette traced much of the distrust shown by Congress of other French officers who came over under engagements by Deane.†

Gerard.

§ 83. Conrad Alexander Gerard was the first minister from any foreign court to the United States. When the American commissioners went to Paris, in the year 1776, he was principal secre-

* See also, Loménie's Life of Beaumarchais, 113 *ff.*

† For correspondence as to Coudray, see index, title Coudray.

tary to the council of state, and on terms of the strictest intimacy and confidence with Count de Vergennes, the minister of foreign affairs. Under the auspices of that minister, and in concert with him, M. Gerard early took a strong interest in the concerns of the United States, and abetted the cause of their independence. He negotiated, on the part of the French Government, the first treaties of alliance and commerce with the United States, signed on the 6th of February, 1778, by him for one of the contracting parties, and by Franklin, Deane, and Lee for the other.

His knowledge of American affairs, and his general ability, pointed him out as the most suitable person to represent the French court as minister to Congress. He came over to this country in the fleet with Count d'Estaing, and arrived in Philadelphia about the middle of July, 1778. After discharging the duties of a minister plenipotentiary for more than a year in a manner highly acceptable to Congress and the whole country, as well as to his own government, he asked his recall, and took his final leave of Congress on the 17th of September, 1779. He returned to Europe in the same vessel which took out Mr. Jay as minister plenipotentiary to the court of Spain.*

Luzerne.

§ 84. Cæsar Anne de la Luzerne followed M. Gerard as minister plenipotentiary from France to the United States. He served with distinction in the Seven-years' war, and in 1776 was appointed envoy extraordinary to America, and arrived in Philadelphia on the 21st of September, 1779. As Gerard was still discharging the functions of his office, the Chevalier de la Luzerne did not receive his first audience of Congress till the 17th of November.

From that time to the end of the war he applied himself sedulously to the duties of his station, and by the suavity of his manners, as well as by the uniform discretion of his official conduct, he won the esteem and confidence of the American people. His efforts were all directed to the support of the alliance, on the principles of equity and the broad basis of reciprocal interests established in the treaties.

After remaining in the United States more than five years he obtained permission to visit France, although he did not then resign his commission as minister. A few months afterwards, however, he wrote to Mr. Jay, then Secretary of Foreign Affairs, that, being designed by the king for another appointment, his character as plenipotentiary to the United States had ceased. M. Barbé Marbois, who had been the secretary of

* 5 Sparks' Dip. Rev. Corr., 553.

For Gerard's diplomatic correspondence in respect to the United States, see index-title Gerard.

Gerard's defect as an adviser of Vergennes, was the suddenness with which he reached conclusions he was obliged afterwards to abandon. On August 22, 1778, for instance, he wrote to Vergennes that Washington, in the battle of Monmouth, acted with injustice towards Charles Lee, though this opinion he afterwards took back.

legation during the whole of M. de la Luzerne's residence in America, succeeded him as chargé d'affaires.*

He was transferred on leaving the United States to the post of ambassador from France to the court of London in January, 1788. He remained there till his death, on the 14th of September, 1791, at the age of fifty years.†

The following letters relate to Luzerne taking leave of his mission to the United States. It is proper to say that his whole course in the United States won the affection as well as the respect of the community in which he resided. His diplomatic papers are referred to in the index, title Luzerne.

Luzerne to Jay, Secretary of Foreign Affairs.

[Translation.] ‡

PARIS (date uncertain), 1787.

SIR: I dare not flatter myself that your excellency has any recollection of a man who had the benefit of your acquaintance but a few days, and even at a time when he could not express himself in your language.

I arrived in America, sir, when, after having rendered the most important services to the Confederacy, and sustained with the greatest distinction the office of President of Congress, that body had intrusted you with the important care of conducting their affairs in Spain and in the principal courts of Europe.

I have resided in America five years as minister plenipotentiary of the king to Congress; and though indeed I can not but be well satisfied with the kindness and the confidence which that illustrious body have ever shown me, I have always regretted that you were not during that period one of its members. You departed from Europe when I returned to it. At that time I flattered myself that I should again see you in America and resume my duties there; but his majesty has thought fit to give me another destination. Will you have the goodness to present to Congress my letters of recall, and to express to that body for me the high sentiments of respect and veneration with which I have long regarded them.

Allow me also to request your excellency to accept the assurances of the attachment and consideration with which I have the honor to be, etc.,

LUZERNE.

Luzerne to the President of Congress.

[Translation.] §

ANNAPOLIS, *January* 29, 1784.

SIR: I have the last year presented to Congress several notes respecting which no answer has been given me. I have reason to believe, however, that it has taken resolutions on many of these notes. Not to importune Congress by reiterations. I pray you to be pleased to inform me of what has passed on this subject, and especially with regard to the ratification of the contract entered into between the king and the United States for the various loans which his majesty has made them and concerning the measures taken for the payment of the interest on the sums lent to the United States by his majesty or for which he has become responsible.

I have the honor to be, etc.,

LUZERNE.

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* 5 Sparks' Dip. Rev. Corr., 649.
From him the county of Luzerne in Pennsylvania was named.

† See index to Clinton-Cornwallis Controversy, title Luzerne.

‡ 6 Sparks' Dip. Rev. Corr., 138.

§ *Ibid.*, 128.

Of Luzerne's course in England Wraxall thus speaks: "I lived in habits of great intimacy with him from his first arrival in England nearly to the termination of his embassy. Nature had not bestowed on him any external advantages. Neither his person, manners, nor address seemed to be adapted for a drawing-room, and his sight was so defective that it approached to blindness. Scarcely could he distinguish objects unless brought close to his eye. But he compensated for these corporeal defects by a sound clear understanding and habits of business. Though he seldom attempted to speak English he understood the language, having resided a long time in America as minister from France during the war carried on against the transatlantic Colonies. Such a mission did not seem to lay a good foundation for his favorable reception here, or to form a recommendation at St. James. It is a fact that on the day when he went to the palace to be presented to the king he wore in his button-hole the insignia of the order of *Cincinnatus*, which had been conferred on him by Washington. Fortunately, arriving before his majesty came out of his closet to commence the levee, some of his friends had time to represent to the new ambassador the impropriety of appearing in the presence of George the Third decorated with an order instituted by one of his former subjects. La Luzerne instantly took it off and put it in his pocket. As he was unmarried, being a knight of Malta, the Viscountess de la Luzerne, a daughter of the Count de Montmorin, who had married the ambassador's nephew, came over from France to do the honors of his house. After the king's first great intellectual malady in June 1789, La Luzerne gave a splendid entertainment in commemoration of his recovery. The queen was present at it, with her court; and during supper the viscountess, as representing the French ambassadress, stood behind her majesty's chair. Within five years afterwards I went to pay my respects to her at a small lodging situate in George street, Portman square, just behind the noble mansion which the ambassador had occupied *in* that square. She received me in a room where stood two neat white beds, and appeared to support with great equanimity her change of fortune. But she did not long survive, and I have heard that she accelerated her own end, which, I believe, took place at Rouen. She was young, amiable, and of most engaging manners. Her father, Count de Montmorin, perished early in the revolution. Nor did the ambassador himself live to witness the execution of his unfortunate master. In 1792 he was attacked with a paralytic complaint, for which he repaired to Southampton, where he expired. The calamities of his country, together with his own individual misfortunes flowing from that source, embittered his latter days and hastened his dissolution. His remains being sent over to Caen, in Normandy, for the purpose of interment, the revolutionary populace of the city precipitated his body into the river Orne, which flows through that place." (2 Wraxall's Memoirs, 245.)

"The Marquis de la Luzerne had been for many years married to his brother's wife's sister secretly. She was ugly and deformed, but sensible, amiable, and rather rich, When he was ambassador in London, with 10,000 guineas a year, the marriage was avowed, and he relinquished his cross of Malta, from which he derived a handsome revenue for life, and which was very open to advancement. Not long ago she died. His real affection for her, which was great and unfeigned, and probably the loss of his order for so short-lived a satisfaction, has thrown him almost into a state of despondency. He is now here." (Jefferson to Madison, Paris. July 31, 1788.)

For the United States to own fisheries and conquer Canada would be to destroy French fishing rights and render America more dangerous to France than England. He desires to obtain Cape Breton for France.* (Luzerne to Vergennes, January 11, 1782.)

* "The Count de la Luzerne is an indolent, pleasant companion, a man of honor, and obstinate as you please, but he has somewhat of the creed of General Gates, that the world does a great part of its own business without the aid of those who are at the base of affairs." (Gouverneur Morris' Diary, 282.)

A curious letter from Luzerne to Vergennes of May 13, 1781, as to loans to Sullivan, is given in 11 Magazine of American History, etc., 158.

In the same volume, page 157, is given a statement from English sources as to the loyalty of Sullivan.

See on this topic, *id.*, 353, for answer to above.

In the Diary of Gouverneur Morris (1889) will be found several interesting references to Luzerne.

In studying Luzerne's correspondence it must be kept in mind that on the question of Canada and the fisheries he was by no means in accord with Vergennes. Both Luzerne and Marbois were anxious for the reconquest of maritime Canada, and in this way of obtaining at least a share in the adjacent fisheries, and they consequently would not acquiesce in the claims of the United States to any exclusive right in these fisheries. Vergennes was opposed to an attempt to reconquer Canada, and ultimately at least made no opposition to the claims set up to the fisheries by the United States.

Marbois.

§ 85. Marbois (Barbé Marbois) was born in January, 1745, and died in January, 1837. After several minor diplomatic appointments in Germany he became secretary to the French legation in the United States and subsequently French consul-general at Philadelphia, where he married a daughter of Governor Moore, of Pennsylvania. He was transferred in 1785 to the governorship of San Domingo, returning to France in 1790. Under the republican régime he was banished to Guiana; but he was recalled in 1801 and became minister of finance. In this capacity he made the sale of Louisiana to the United States for 75,000,000 francs, when he was authorized by Napoleon to sell, if he could do no better, for 50,000,000 francs. He remained in office, with one or two intermissions, until the close of the empire, and in 1814 voted for the recall of the Bourbons. Placed at the head of the office of accounts by Louis XVIII, he was ordered out of Paris by Napoleon in the hundred days, but resumed his office on the return of Louis XVIII. To Louis Philippe, in whose reign he died, he took the oath of allegiance. Among his works are Réflexions sur la colonie de Saint-Domingue, 1796; Complot d'Arnold et Sir Henry Clinton, etc., 1816; Histoire de la Louisiane et de la cession de cette colonie, etc., 1828.*

Marbois' diplomatic correspondence is referred to in the index, title Marbois. Under date of March 13, 1782, will be found the famous letter, imputed to him, which was used to show the want of candor of France to America.

* See Larousse's Dict., tit. Barbé-Marbois.

CHAPTER V.

ATTITUDE OF SPAIN TO THE UNITED STATES.

Willing to keep up American revolt, but not to acknowledge independence.

§ 86. Spain took towards America three distinct successive policies during the revolutionary war. The first was in 1776, when, with the Philippines again threatened, Gibraltar festering in her side, with the humiliations of the Seven-years' war becoming more unbearable with time, and with the menace to her American possessions which was given by the immediate neighborhood of British Colonies to the north, she was glad to contribute, so far as she could do so without public rupture, to keeping these Colonies in a state of permanent disaffection to the mother country. Under this policy she gave, secretly through France, the million of francs to be hereafter noticed as forming part of the contribution of three millions Vergennes handed to the American commissioners. But this policy was conditioned on the Colonies remaining subject to Great Britain, though disaffected, so that both they and the mother country would be unlikely to attempt aggressions on Spanish America. As the revolutionary war progressed, and the issue was independence, Spain was no longer inclined to help on a movement which would be a dangerous precedent to her own colonies, and which, if successful, would build up on her borders a sovereignty in its political principles very hostile to her traditions, and occupied by a people whose energy and aggressiveness would be made more formidable by a successful war. This was the second attitude assumed by Spain to our Revolution; an attitude of annoyance, of displeasure, of anxiety, causing her to repel any advances made by us with a sullen though adroit persistency which will be exhibited in detail in the following correspondence. The third was when she was drawn by the force of events into the whirlpool of the war which France was first to engage in against Great Britain. Spain felt that she had an opportunity in this war to avenge her wrongs; to recover Gibraltar; to rise again to the position of a first-class power. Of course America became for this purpose an essential ally. To the American waters, for blockading as well as for offensive and protective purposes, a large part of the British navy was drawn; for American warfare all the land force Britain could raise was required. But it was with an ungracious air that Spain yielded to this alliance; nor did she yield until an offer on her part to mediate had met with a curt rebuff from the British min-

istry.* Even after Spain acceded to the alliance, the American ministers, when admitted to the court, found themselves received there, as well as in Spanish society generally, with a chill which told them how much their political principles were disliked, and how detrimental to Spanish colonial interests was regarded the example of independence they set.† And to this sulky discontent of Spain may be traced in part that want of effective co-operation on the West India waters which contributed to Rodney's victory of 1782, and consequently raised the siege of Gibraltar. In another important matter this unfriendliness of Spain operated to her disadvantage and greatly to the advantage of the United States, since Jay had been instructed to surrender the navigation of the Mississippi as the price of effective Spanish aid.‡ As it was, the entrance of Spain on the arena as a belligerant tended not a little to the complication of the peace negotiations, since it put France in the difficult position of arbiter between two allies, and gave the British envoys the opportunity to sow, as far as they could, distrust in America as to the impartiality of France.

From the third volume of Doniol's comprehensive work on the "Participation de la France à l'etablissement des États Unis," published in 1888, we are able to learn for the first time the extreme peril of France in 1778–'79. When Vergennes advised the recognition of the independence of the United States, it was on the same grounds that Canning advised the recognition of the independence of the Spanish South American States many years afterwards. The fair distribution of power in the civilized world, which was threatened in the latter period by the Holy Alliance, was threatened in the former period by the assumption of maritime supremacy by Britain. In each the object was to call up a new sovereignty in America, so as to check an undue concentration of sovereignty in Europe. Undoubtedly Vergennes was aided, as Canning was aided, by the enthusiasm felt by men of liberal views for a revolution that was expected to extend the domain of liberalism; but with Vergennes, as with Canning, the object was the establishing of a power abroad which could resist a dangerous aggression at home.

When, in February, 1778, France acknowledged the independence

* See Gerard to Congress, Feb. 9, 1779; Luzerne to Congress, Jan. 28, 1780. For particulars, see *infra*, § 98.

† See index tables, Spain, A. Lee, Jay, Carmichael. Shelburne was willing to give up Gibraltar, and was right in this, as Gibraltar has never been of much use to Great Britain, and its retention has involved her in at least two wars with Spain.

‡ That Gouverneur Morris and Jay concurred in 1780 in an unwillingness to insist on the Mississippi valley, see 5 Bancroft's United States, 305.

As to Spain's conflict as to western battles with the United States, see Vergennes to Gerard, March 29, 1778.

As to the embarrassing position in which France was placed between her allies, see § 53.

As to the controversy with Spain, see Schuyler's American Diplomacy, 266, 268.

of the United States, Vergennes had good reason to hold either that Britain would not resent the insult by war, or that she would find that in such a war the odds were against her. A British army had just capitulated at Saratoga. America, so it was reported to Vergennes and so he believed, was unanimous in determining to defend her liberties to the last. In Holland there was a strong party which was expected to force the States-General into a recognition of their sister republic. Spain had already secretly advanced a million of francs to the American commissioners. From Frederick the Great, delighted to see his British relatives, who had not always supported him in his troubles, annoyed by a revolt in their own domain, came words very encouraging to the American envoys. Catharine II listened with apparent satisfaction to a scheme which would relieve her infant shipping from British oppression. It looked as if, should Britain declare war against France, she would have against her the armies and navies of all continental Europe, aided by the people of her American Colonies in a compact mass.

But in a few months there came a great change. The British army under Howe was so largely re-enforced as for the immediate present to give it a great superiority over any army Congress could bring against it in open field. The loyalist party, it was claimed, had grown greatly in the inaction of the winter of 1777–'78; and certainly some of the leaders of that party deported themselves with an audacity in which they had not for some months indulged. Undoubtedly there were then serious defections from the revolutionary ranks. It was officially reported to the British admiralty that there were 7,000 American seamen employed in British privateers, and the number of provincials nominally in the British armies was still greater. It is true that it was afterwards shown that these statements were far from being reliable; and, as we have seen, Sir W. Howe candidly confessed that the address to him from leading citizens of Philadelphia advising him to take possession of that city—an address which was circulated throughout Europe and America as genuine—was forged by himself. It is true, also, that the more conspicuous converts made from the republican ranks were either traitors like Arnold, or time-servers like Galloway, who received a large pension as soon as his apostacy was declared. It is true, also, that Galloway's estimate in his testimony in the House of Commons that five-sixths of the American population were loyalists was a very gross exaggeration. Still it must be conceded that in the winter of 1777–'78, when Howe was in Philadelphia and Washington at Valley Forge, there were many respectable and influential members of the community who had acquiesced in the Revolution because they believed it would succeed, but who were now ready to acquiesce in the restoration of British authority because they looked upon such restoration as likely to be permanent.

It is true that the news in April of the French treaty revived the energies of the revolutionists; but this treaty had its drawbacks, as the

old dislike of France, in part inherited from England, in part the product of the Seven-years war, intensified the yearning for the mother country which in many hearts still remained. French officers complained that on their first arrival in New England they were received with sullen aversion by the people, though welcomed by the revolutionary leaders. The French army and navy, for the first year in which they were engaged in America, did no good to the American cause; and so great was the popular irritation at their inactivity, so strong, it was said, continued to be the old race attachment to England, that intelligent French observers in America advised Vergennes that he must move warily, for at any moment America might make a separate peace with Britain and then join the British forces against France. No doubt these reports, so far as they pronounced this to be the drift of a large minority in Congress, were unfounded in fact. They were nevertheless communicated under high sanction to Vergennes, and produced in his mind the liveliest anxiety. He knew that Britain was offering large inducements to France to desert America; what if America should succumb to equally large inducements to desert France? It was possible, but it would be the ruin of France, unless she could obtain powerful European allies.

But what allies could she obtain? English influence had for a time regained its ascendency in Holland. Prussia and Russia, having tasted the delights of neutral commerce, let it be plainly understood that they would not abandon a neutrality so profitable for the risks of belligerency. And Spain had taken alarm and was backing out not merely from the family compact, but from her recent promise to aid the insurgents.

Aiding the insurgents, her minister declared, would be cutting her own throat, and no aid to the insurgents should be given except on a very heavy equivalent.

If France was to meet the shock of the British navy alone she might be swept from the seas, and, aside from this danger, her finances were in such a ruinous condition that her bankruptcy was imminent. One of two courses must be adopted, not only to save France but to save the independence of the United States and the consequent equipoise of power for which France has gone to war. There must be either a general peace, which would include the independence of the United States, or there must be war, with Spain joining the allies.

But in treating for a general peace, to which the United States were to be recognized as a sovereign party, it was important that the terms should be adjusted in such a way as to save as far as possible the pride of Great Britain, so as not, by either a too haughty tone or too exorbitant territorial pretensions, to unite the British people in a continuance of a war, of which, as it then stood, they were tired. Spain, having offered to become the mediator, was the party whose duty it particularly was, as we will see, to present the pretensions of the United States in such a shape as to make their acceptance by Britain probable; but

to France, in her condition of exhaustion and alarm, such a moderate presentation was of greater importance than it was to Spain. If France could help it, peace, by which the United States would be recognized as independent, was not to be prevented by the assertion of territorial claims by the United States to which Britain could not at that period be expected to yield. On the other hand, if war was to continue, Spain must be brought into it as an ally. It was in this condition of affairs that the position of Spain in 1778–'79 became of commanding importance. She offered herself as mediator between the allies and their common enemy, and through her the terms of pacification were discussed. In the negotiations, protracted and on both sides largely insincere, between Spain and Britain relative to the proposed pacification, the winter of 1778–'79 was consumed. During this period Britain was strengthening herself for the conflict which she saw was approaching between her navy and the combined Bourbon fleets, while Spain was losing what turned out to be her supreme opportunity of striking, in common with France, with decisive effect at a foe with whom she knew that war was sooner or later inevitable.

The correspondence at this critical era between Vergennes and Montmorin, French minister at Madrid, on the one side, and Gerard, French minister at Philadelphia, on the other, deserves careful study, as showing the then attitude of France to Spain and the United States.

To Montmorin on July 24, 1778, Vergennes, after declaring that "the English are the aggressors, the Catholic king and his minister admit it," proceeded to say that "it is with a deep feeling of silent grief that the king's government sees the Spanish ministry persist in silence and apparent indifference, for it will not be long before the consequences, which appear now to threaten us alone, will affect Spain." He then argued that this result was inevitable; and he dilated on the security which Spain would have gained with regard to Gibraltar if the junction of her ships with the French at the mouth of the English Channel had enabled France to shut up Keppel's fleet within the straits. He insisted on the weakening effect which this juncture would have upon England, by preventing the return of her merchant seamen. "We would," he said, "be masters of the ocean during the whole campaign; the English commerce would fall a prey to the privateers, and her sailors would be prevented from returning home." He expatiated on the injury done to France by the dilatory counsels and undecided neutrality of Spain. "At the time when Byron and Keppel were separated our hands were tied by her advice not to be the first to begin hostilities and by our acceptance of the mediation. When we attained a greater degree of liberty through her quasi invitation to take advantage of the opportunity, if it presented itself, the winds which detained our fleet at Brest supplied England with sailors and wealth. We then had the superiority over Keppel. To-day he is as strong as we are, to-morrow he will be stronger, and we shall be obliged to return to

the harbor of Brest to avoid a disastrous defeat. We would not be reduced to these sad straits if Spain, in view of the immense advantages offered, had decided to send us the preliminary aid in ships stipulated by the family compact."

The semi-victory, as it was called, achieved in the channel by the French fleet under Orvilliers over the British fleet under Keppel enabled the French ministry to take a more decided tone; and Montmorin reported that there were indications that Spain was plucking up courage to come to the aid of France. On August 22, 1778, Gerard writes from Philadelphia to Vergennes that—

"The Maryland and Pennsylvania delegates told me that a large number of citizens who had hitherto refused to take the oath to the States were presenting themselves one after another to be admitted to it since I had avowed my character. The English had persuaded their partisans that the king's fleet had no other object than that of protecting some commercial operations which were intended to reimburse the king for the sums which his majesty had advanced to the Americans.

"I neglect nothing, monseigneur, to strengthen the impression produced by the inestimable advantages secured to America by the declaration and the open assistance of France, and every day confirms me more in the conviction that his majesty's wisdom has chosen the most favorable, and perhaps the only, moment to prevent the coalition of England and America. Several members of Congress admitted to me that the proclamation of April 26, by which it rejected in advance the conciliatory bills, had been a desperate stroke on its part to prevent the ruinous results which it dreaded from the future and from the intrigues of the commissioners. At the time of their arrival every one was aware of the steps which were being taken for the evacuation of Philadelphia, which was resolved upon in consequence of the necessity under which the British were laboring of concentrating their forces to oppose the king's fleet. The commissioners postponed the evacuation in order to avoid the bad effect which it would have had upon the opening of their negotiations; but by that time the king's measures and his alliance had reassured and united the minds of the public." (3 Doniol, 298.)

Doniol, after giving this dispatch, proceeds to say that—

"After this date circumstances had neutralized the effect of the operations undertaken by the fleet in aid of the United States, and for a long time it was impossible to resume them. This," he continues, "had caused much irritation of feeling. Gerard employed his influence over Congress in sheltering us from this feeling and in protecting that body from the intrigues of the English commissioners, which had been rendered so much more dangerous by it. The arrival of our ships in America a fortnight sooner would have been a disaster to Howe; he would never have gotten out of the Delaware. Perhaps the English army itself would have suffered a check; for in all probability Lee's defection would not have occurred to paralyze Washington's efforts, and, hard pressed by the American troops and cut off from the sea by Count d'Estaing, Clinton would no doubt have been overwhelmed by the same fate as Burgoyne at Saratoga. But the hope of these results had vanished. A month was sufficient to exhibit the great services which our intervention ought to have rendered, and which were really expected from it, annihilated by the course of events. With the exception of having displayed the ardor and valor which animated our re-created navy, and the energy and courage which the vice-admiral of the seas of Asia and America was prepared to lavish in the cause of our allies, our efforts had resulted in little or nothing. After communicating to Versailles early in November this opening of his campaign, the officer who had undergone all its vicissitudes summed them up in the following brief preface to his report, a document of no less interest than his

replies to Gerard's questions in enabling us to form an opinion of the man and to verify the truth of history:

"'The slowness of our sailing, which robbed us of certain success; the want of anchorage, which proved to be an insuperable obstacle; a squall, which enabled an English squadron, at first intending to attack us, to escape after we had chased it thirty-six hours; the dismasting of two of our largest ships, and the enormous superiority which the junction of his two fleets gives the enemy, have only allowed us to make repeated attempts, doing little harm to the English; and, lastly, to adopt defensive measures, and to get under way for the purpose of carrying out that part of my instructions which the season renders necessary.'" *

The position of American affairs in the first days of September, 1778, as they appeared to Gerard at that period, is thus summed up:

"Lord Carlisle and his colleagues employed all their English tenacity to make the most of the moral effect produced by these acts of folly (the movements against Washington by the friends of Gates, Conway, and Lee). A great experience in political expedients and thorough unscrupulousness aided them in this task, and their efforts found but too many accomplices in the heart of a country one half of which, and that the most important, was opposed to the struggle maintained in its behalf, and could not only show its disapproval, but could act in accordance with it by furnishing scouts, purveyors, and guides to the enemy.

"These commissioners had been sent very opportunely, as a large number of Americans who had at first joined in the resistance were now rather devising means of putting an end to it than of securing a successful result. In the midst of the War of Independence they were now aggravating the horrors of civil war, which already existed in social relations. They aroused and excited those 'hot-heads' of whom Gerard spoke, and the civil war spread more and more. The armed tories raised the savage tribes and kept the field with them, and measures were taken by Congress, as well as by several States, to compel them to submit or to pursue them in their persons and property. At this distance of time the London commissioners, supported by the English forces, rather resemble a legal authority defending itself against a powerful opposition than agents sent out on a difficult mission. By exciting discontent and fostering feelings of weariness they endeavored to force Congress to votes of dissatisfaction or to equivocal acts which might present a basis of reconciliation and furnish the premises of an agreement. The want of experience of that body, the fickleness caused by the frequent changes of its members, its lack of leadership, and its want of all power to carry out general measures gave them the strongest support. It had at first repelled their overtures with contempt; had afterwards made them ashamed of their methods of corruption, and after that declared to them that it would no longer hear their communications if they were signed by Johnstone, on account of the dishonorable proposals attributed to the latter. It did not see the inconsistency into which it was falling by recognizing these delegates as genuine plenipotentiaries and by opening its doors to them. Hence, at the very moment when the attack on Newport was to take place, they took, as a pretext to reappear before Congress, a subject which was already old, the execution of the convention of Saratoga, which had been suspended for ten months, because both sides declared that that convention had been violated." (3 Doniol, 396, 397, citing Gerard's dispatch, July 16, 1778.)

By the same high authority the position of Spain in the summer of 1778 is thus described:

"Spain did not long leave the government of the king in the enjoyment of the hopes which had been raised by the reports sent by our ambassador on the 8th June. They had almost entirely vanished at the beginning of July, and the communications

* *Id.*, 298–299.

which then succeeded each other soon dissipated the little that remained. On the 20th June Montmorin, who had been greatly encouraged by his recent interviews, was met, to his astonishment, by a fresh coolness on the part of Florida-Blanca towards the ambitious views justly attributed to his sovereign. Endeavoring, as it appeared, to retract his previous remarks, the prime minister again seemed to be but little interested in the project of acquiring possession of Jamaica. He regarded the recapture of Gibraltar as a chimera; and what is more, the proposition made by France to retake it appeared to him a piece of statecraft suggested by the desire to divide the English forces, to defeat them more easily, and afterwards to conclude a peace without any regard to the interests of Spain, 'for whom France cared little, although she was grieved to see Gibraltar in the hands of England.' As to Florida, with the exception of the single points of Pensacola and Mobile, he said that its possession was useless from the moment that England had obtained a formal cession of it. In short, in his opinion, they had been wrong in not adhering to the proposition of mediation, for they could have gained from it those advantages which they were now striving for. Accordingly, M. de Florida-Blanca enjoined it upon our representative to urge us, on behalf of the king, to avoid a naval conflict, the unsuccessful result of which might perhaps decide the whole future, not to go out of Brest, and to allow the English forces to consume away in idleness. The king, in a conversation with Montmorin, partially indorsed this language by these words: 'It is a great pity that you did not have a little more patience; we could have attacked them with more vigor.'" (3 Doniol, 472, 473.)

On October 9, when Spain was still keeping open her mediatory negotiations with Britain, Vergennes, when asked whether the American commissioners would assent to negotiations for peace under Spanish mediation, answered, according to Doniol's summary, that—

"He would undertake that responsibility in the name of Congress, as he was convinced that by this means he would secure to that body the ends which it had in view, and as he was too certain of the views of the King of Spain to fear that that monarch would wish him to perjure himself in this matter. 'I propose,' wrote Vergennes, 'to make two draughts, one of which will contain the modifications to which we may consent, if the reconciliation only depends on a few modifications or a little compliance. The only point on which his majesty can not yield is that of the entire and perfect independence of the thirteen United States of North America, and, consequently, of the full restitution of all that may belong to them as such, especially New York, Long Island, Rhode Island,' etc.

"'If the negotiations,' he added, 'should be held at Madrid, I agree with you that one of the American commissioners should go there to watch over the interests of his constituents. I can not tell you whether these commissioners have power to treat of peace with England. The fear of betraying the secret of the acts and offices of Spain has rendered me very reserved in asking them any questions which might put them in the way of suspecting that there is any negotiation on foot; but granting that they have no powers, I do not think that the peace proceedings would be delayed by it, Congress having declared to the English commissioners that it would be always ready to listen to proposals of peace as soon as England should recognize their independence or should withdraw its land and naval forces from America. We shall thus fulfill its wishes and our duty if we secure to it these two indispensable conditions, without which the re-establishment of peace would be impracticable, unless we were willing to sacrifice our honor. We no not fear that the King of Spain, who has such a regard for our honor and who possesses such elevation and nobility of mind, will ever propose to us a sacrifice of such importance.*

* 3 Doniol, 521, 522.

"On the 17th of October," continues Doniol, "the draught of the terms on which France would consent to peace were forwarded to Montmorin, French minister at Madrid. Vergennes had outlined these terms immediately in a note in his own handwriting, intended doubtless for the king in the first place, and afterwards altered to the form of articles by his own hand. He had himself revised this second minute, and added notes specifying the modifications which might be allowed; and he wrote to Montmorin that the king might see fit to specify others at a later period. The complete political and territorial independence of the United States formed the first article. This condition being settled, the others were as moderate as those announced at the time of the mediation supposed to have been asked for by Lord Weymouth six months before. To prove that they retained the same character, M. de Vergennes added a copy of the latter to his dispatch. These conditions extended only to the withdrawal of the English commissioner at Dunkirk and to a fair division of the Newfoundland fisheries, in accordance with the provisions of the treaty of Utrecht. There were some new articles, it is true, such as the revival of the navigation laws established by that treaty, or their mutual abrogation with a view to the establishment of a new set of regulations. The minister, to use his own words, 'took advantage of the opportunity' to introduce this clause; he had, however, little hope of its being granted. In the notes in his own handwriting he hinted that the king might yield more than one point, and we have just stated that he gave assurances of it in his instructions. 'Conditions in every respect of a nature to be granted,' said he, and he had a right to think so; still, he did not venture to believe that they would be, on account of the self-conceit of England.

"As the reply," continues Doniol, "of the cabinet of George III did not reach Madrid until the middle of November, the correspondence of Vergennes with Montmorin had turned upon these subjects repeatedly. The minister urged the latter again and again to hasten the decision, warning him that England, far from taking any steps in the direction of peace, was raising fresh forces with 'astonishing energy.' On the other hand, a series of dispatches from Montmorin showed that the King of Spain persisted in his hopes of success in spite of the continued silence of the British ministry. They prove, at the same time, the gradual development of the conviction on the part of Florida-Blanca that war was inevitable, and that Spain would be involved in it in the spring. George III's cabinet, on their side, did not yield a hair's breadth of their first demands. They accepted the intervention of Spain, but insisted that France must first recall her fleet from America and cease to give any aid to the United States. Montmorin announced on the 16th November that they were about to act on these absurd demands, and simply forward the French propositions to London as soon as he had made it well understood that France must first meet preliminary terms of this nature with proper equivalents, and consequently demand, first of all, the recognition of the independence of the United States and the withdrawal of the English forces. This had led to an interchange of communications. Florida-Blanca announced the measures which he intended to make trial of, and these later interviews resulted in Montmorin writing to Vergennes that indecision had again taken possession of the mind of the court of Madrid, and if the condition relative to the independence of the Colonies, formally laid down by France as it was, did not cause this change, though all the preceding negotiations ought to have made it easy for Spain to foresee it, it certainly had something to do with it."*

Montmorin wrote on October 15, 1778, to Vergennes that Florida-Blanca proposed to the English minister (Grantham) the following settlement:

(1) Absolute independence of the Colonies.

(2) Preservation of Canada and Acadia by England.

* 3 Doniol, 523–525, from which the above is in part translated.

(3) Cession of all Florida to the Colonies except what is necessary for the protection of Spanish commerce in the Gulf of Mexico. According to Montmorin, Grantham received these terms without surprise and appeared to be convinced that Parliament would yield the independence of the Colonies.*

On October 30, 1778, Vergennes replied that what France insisted on was the independence of the United States as they were, which did not involve the independence of such other parts of the English possessions in America as did not participate in the Revolution.

"France," he said, "did not desire to see the new republic mistress of the entire continent. It would be better that the English should retain Canada, both to prevent too great aggregation of power and to subserve the alliance of the new republic with France."

The question of the division of Florida was reserved. "The people of the United States," he added, "were not to be regarded as a race of conquerors. In their determination to insist on independence he had learned," he said, "to put entire confidence."

Doniol, as showing how anxious the American leaders were for Spanish aid, quotes a letter from Washington of October 4, 1778,† in which he expresses his fears that in the struggle between the French and the British navies the French would be overmatched in strength, and then says that if Spain would consent to join France "my doubts would all subside." This condition of affairs explains the concessions Congress was then ready to make to Spain.

On October 26, 1778, Vergennes instructed Gerard that the king would not under any circumstances separate his cause from that of America, but would treat the American cause as if it were his own. But it is important, he urged, in order to obtain Spanish aid as well as not to unite England in a continuance of the war, to avoid presenting exorbitant claims. The points of difference, he holds, will be as to Canada, Nova Scotia, the Floridas, and the Newfoundland fisheries. "We have always thought and still think," he says, "that it would be expedient to leave Canada and even Nova Scotia in English hands, and if an acquisition for the United States is sought in this part of America they should have Nova Scotia. If Florida should be conquered by the United States it would be desirable to cede Pensacola and its vicinage to Spain." The control of the Newfoundland fisheries he thinks Britain could not reasonably be expected to surrender. He would advise that the *ultimatum* of Congress should be the surrender of Canada to Britain, the United States retaining Nova Scotia, renunciation of the Newfoundland fisheries, and the surrender to Spain of such Florida ports as she should require. As to the free navigation of the Mississippi, Vergennes, in this paper, maintains that there will be no difficulty, and that he would be astonished if Spain made any opposition to it.

Towards the close of October Florida-Blanca was evidently coming to the conclusion that Spain must enter into the war. Still, however,

* 3 Doniol, 556.

† See *supra*, § 53.

as Montmorin wrote to Vergennes on November 12, there remained in Spain the dread of territorial encroachment by the United States; and aside from this the habit of procrastination was so powerful as to make prompt action almost impossible, no matter how great were the stakes. "Have patience," so Florida-Blanca is reported, on November 16, by Montmorin, as saying, "and you will find all will come out right." In the mean time aid from Spain became, in Vergennes' mind, an imperious necessity if the United States were to be preserved from subjugation and the French navy to be saved. He scoffed at the idea that the United States would be a more dangerous neighbor to Spain than would England. If the United States should submit to England, what check would there be on English aggrandizement? Charles III, still hesitating and desirous of saving both his prestige and that of England, suggested in the last week of December a compromise in the shape of a truce between England and the United States, under which truce, to be renewed from time to time, they would gradually acquire their independence under the auspices of the French and Spanish crowns.

On December 5, 1778, Vergennes addressed a very important letter to the king, saying France could only at great disadvantage wage alone a naval war against England, and that while the pretensions of Spain are "gigantesque," to controvert them at that time would interfere with the prompt settlement of a common plan of operations. Louis XVI united with his minister in pressing these views on the Spanish court, but still "l'irréductible inertie de l'Espagne"* continued to prevail. Both in the Channel and in the American waters the French navy was paralyzed, and it became necessary for Vergennes, if he would save French maritime interests, to make some concession to the "exigencies" of Spain. On December 24 a courier was dispatched to Madrid giving the final reply of the French Government to the proposals of Spain. This reply was in three distinct dispatches: The first discussed the truce proposition; the second, that of the plan of joint operations; the third, that of the advantages to be secured by the war. In these papers the sacred inviolability of France's engagements to the United States was made the essential condition of the alliance. "La considération primordiale et souveraine de nos engagements avec les États-Unis, la *conditio sine qua non*, l'obligation sacrée où nous étions de leur garantir l'indépendance, et de ne point accepter de traité que n'en contînt la stipulation expresse comme ils étaient astreints, eux, à n'en point conclure sans nous avec l'Angleterre."† But while such was the case, the independence of the United States might be acknowledged and secured as effectually by a long truce between the belligerents, which would give the United States a sovereignty which would continue undiminished when the truce closed. Of this opinion he advised Franklin, withholding it from Lee and Adams, to whom it did not seem prudent to impart it in its then

* 3 Doniol, 590. † *Id.*, 593.

inchoate state. But to such a truce the recognition by Great Britain of American independence was an essential prerequisite.

As to the prospects of such a truce being accepted Vergennes speaks as follows:

"The Americans have a quasi-possession of sovereignty, and it is of great importance to them to secure it under no matter what form. France has no other end in view with regard to America than this, and it ought to be a matter of indifference to her in what way it is attained. The only thing to which she attaches importance is, that the United States do not isolate themselves, and conclude a peace with England without France making peace with England at the same time.

"From these data it appears:

"First. That France may, without any inconvenience, consent to the Americans treating directly and alone with England, under the express condition, however, that the treaty with the king shall keep pace with their own, and that either treaty shall be null and void until the other is concluded.

"Secondly. That in default of a definitive treaty, Congress may content itself with a long truce, leaving France at liberty to make a definitive peace.

"This latter expedient, at the same time that it would be the most acceptable to England, and consequently the one best adapted to promote a peace, would appear to secure equally well the double object of the Americans, namely, repose and freedom. The example of Holland is the best argument that could be adduced to convince them of it.

"The two treaties may be negotiated under the mediation of the Catholic king, and this is even desirable, because the intervention of that prince would serve to prevent the deceptions which England might attempt to practice on the king or the Americans.

"Still, in order to give the Americans all the security which they can reasonably desire, it will be proper to stipulate—

"First. That England shall treat with them as with an independent nation.

"Secondly. That she shall withdraw her land and naval forces from all parts of the American continent comprised in the Confederation.

"Thirdly. That the truce shall be guaranted by France and Spain, or at least by France, if Spain refuses.

"On the making of this truce, which shall be for twenty, thirty, forty, or fifty years, France shall offer the United States a new treaty, confirming that of February 6, 1778, and Spain may be admitted to it. The immediate object of this new treaty will be to protect America against the attempts which the court of London might, contrary to all probability, make against her freedom after the expiration of the truce.

"The United States, thus freed from a war which is oppressing them, will have leisure for consolidating their government, regulating their domestic affairs, establishing their finances on a firm basis, increasing their commerce, and forming with the various European powers political or commercial alliances which will be an additional protection to their independence." (3 Doniol, 602, 603.)

On December 25, 1778, Vergennes addressed to Gerard instructions as to the then pending negotiations with Spain. Gerard was informed that it had been suggested that, in view of the repugnance of Great Britain to a treaty of peace incorporating acknowledgment of independence, it was proposed that this acknowledgment be incorporated in a long truce, such as Spain made with Holland in 1609; that he (Vergennes) had made this suggestion to Franklin (whom alone in the legation he consulted), and that Franklin answered that independence

was the one great and necessary object of the United States, and that the mode of its acknowledgment was of little importance, if it and the evacuation were entire and irrevocable; that to the United States their intimate and constant union with France was peculiarly dear; and that on these terms of absolute independence he thought the United States might accept a truce for a long term of years. Gerard is then instructed to recommend to Congress the giving Franklin powers to negotiate peace, which he did not then possess; but he is advised to introduce the topic of truce cautiously, and to state that a truce would only be tolerated on two conditions: First, that Great Britain treat with the United States as with a free nation. Second, that she evacuate all parts of the continent within the limits of the United States. Such a truce, Gerard is instructed to say, would in no sense impair the guarantees of the French and American treaties of alliance and commerce made on the prior February.

Of Gerard's communications to Congress, in pursuance of these instructions, we have no report, nor could we expect to find such a report, as most of his communcations to Congress were oral, and the sessions of Congress were secret. On February 9, 1779, he addressed, it is true, a letter to Congress, advising them generally of the proposed mediation of Spain, and inviting them to furnish with "the necessary powers and instructions the person or persons whom they shall think proper to authorize to assist in the deliberations and in the conclusion and signing" of the proposed treaty. We learn, also, from the journals that Gerard, on February 11, had a "free conference with Congress" as to the terms of the intended negotiations. That the suggestion of the alternative of a truce was made by him informally, we may gather from the report of the committee on pacification, made on February 23, 1779, in which it is stated that the committee thought that no truce ought to be agreed to on the part of the United States; *that a cessation of hostilities during the negotiations may be admitted in case all the force of the enemy shall be withdrawn from every post and place within the limits of the United States.*" No action appears to have been taken on this portion of the report. But on June 15, 1781, in the instructions from Congress to its ministers plenipotentiary occurs the following: "If a difficulty should arise in the course of the negotiation for peace from the backwardness of Great Britain to acknowledge our independence, you are at liberty to agree to a truce, or to make such other concessions as may not affect the substance of what we contend for, and provided that Great Britain is not left in possession of any part of the United States." This instruction was in accordance with a resolution passed by an almost unanimous vote of Congress on June 9, 1781, receiving the votes of every delegation except Rhode Island and Virginia. From Rhode Island, Varnum, the sole delegate present, voted in the negative; Virginia was divided, Jones and Madison in the affirmative, Bland and Smith in the negative. If Franklin made any communication to Congress as to the suggestion

of a truce in 1779, such communication does not appear among his papers; nor is it likely that he would have addressed Congress on the subject, as the suggestion was made confidentially to himself, and as Vergennes undertook to leave the mentioning the project to Congress to the discretion of Gerard. We have, however, a letter from Franklin to Hartley of May 4, 1779 (in response to one Vergennes notices having been shown him), in which Franklin says: "Though I think a direct, immediate peace the best mode of present accommodation to Britain as well as for America, yet, if that *is not* at this time practicable, I should not be against a truce; but this is merely on grounds of general humanity, to obviate the evils men devilishly inflict on men in time of war, and to lessen as much as possible the similarity between earth and hell." He goes on to say that "this proposition of a truce, if made at all, should be made to France at the same time it is made to America; twenty-one years would be better for all sides, * * * and British troops and ships of war now in any of the United States be withdrawn," American independence to be thereby recognized, and the binding effect of the American treaties with France. This letter, which was seen and approved by Vergennes, was not sent until after the final rupture between Spain and Britain, and may be regarded, therefore, as giving the explanation by Franklin and Vergennes of their views as to the nature of the truce which Spain proposed. By the middle of March the British ministry became convinced that the terms of a general peace, as proposed by Spain, could not be accepted without a humiliation to which they were unwilling to submit.

On April 12 was executed the secret convention between France and Spain, which has been considered in a prior section,* by which the terms of their alliance were settled. Franklin was not aware of the particular limitations of this convention; but he knew that the negotiations between Spain and the United States were broken off, and that Spain had declared war against Britain, determined to join her fleet to that of France as against the common enemy. It was with this knowledge, and with the conviction that Britain, having refused to enter into a treaty for a general peace, was now seeking to detach the United States from their allies by covert approaches, that Franklin wrote his letter of May 4, 1779, to Hartley in response to Hartley's letter to him of April 22, 1779.†

How far the Franco-Spanish treaty of April, 1779, conflicted with the Franco-American treaty of February, 1778, has been already discussed.‡

The attitude of the British Government to Spain on the mediation question may be gathered from the following correspondence.

**Supra*, § 53.

† See these letters, *infra*, under their respective dates.

‡ *Supra*, § 53; see also Trescot's Diplomacy of the Revolution, 59 *ff*.

Grantham, British minister at Madrid, writes to Weymouth, secretary of state, on May 20, 1778, as follows:

"I stated to M. d'Escarano (Spanish minister at London) that previous to any step for that purpose (mediation) the immediate insult offered to this country must be done away; and that *whilst France publicly avowed the independence and supported the cause of the Colonies in rebellion,* no negotiations could be entered into.*

The mediation was afterwards accepted so far as concerns the contest with France as such, but was refused in all matters pertaining to the United States.

"The terms to be granted to colonies in such predicament can not be submitted to other powers, who can not be judges of the line of authority which the mother country should extend over her colonies, and the terms which might be thought reasonable in Europe might be rejected in America."† (Weymouth to Grantham, Octo er 27, 1778, Bancroft MSS.)

Spain, however, insisted that the United States should be a party to the mediation, though to save the feelings of the British king there should be a long truce granted, which, though a tacit acknowledgment of independence, would not be as bitter a surrender as would be an express acknowledgment.

Florida-Blanca, in his instructions of January 20, 1779, to Almodovar, Spanish minister at London, states that the proposition of Spain was that his Britannic majesty "should agree to a truce of twenty-five or thirty years (with the United States), during which period there would be time to cool, and even extinguish the heat of the present discords and attract the hearts of the colonists to decent expedients and accommodations, useful to themselves and to the English nation. For this purpose it would be necessary that during the truce there should be established a communication and even a free and reciprocal trade between England and the Colonies without hindering them from having the use of an equal free trade with other nations. It would be also just that the court of London should during the truce treat the Colonies as independent *in fact,* until some adjustment or accommodation with them, which afterwards might be made, should produce effects according to what should be stipulated." "It was also considered proper that the Colonies in order to enter into either of the proposed expedients, may require that England should evacuate the ports and territories it possesses in the districts of the British provinces which are called United."‡ This proposition being rejected,§ Spain's *ultimatum* of mediation was addressed to the courts of London and Paris on April 19, 1779. This *ultimatum* was finally rejected by Weymouth May 4, 1779. Spain then withdrew her offer of mediation, and this was

* That the Spanish court was notified of this answer, see Grantham to Weymouth, June 1, 1778, Bancroft MSS.

† See Grantham to Weymouth, Jan. —, 1779, Bancroft MSS.

‡ Bancroft MSS.

§ Weymouth to Grantham, Mar. 16, 1779.

followed, on June 19, 1779, by a note from Florida-Blanca to Grantham, stating that the Spanish minister was recalled from London. Grantham was shortly after recalled from Madrid, and diplomatic intercourse closed.*

The subsequent temper of Spain is illustrated by the following extracts from a dispatch of January 11, 1782, from Montmorin, French minister at Madrid, to Vergennes the topic being a probable insurrection at Jamaica:

"I have no need to tell you, sir, how much the forming a republic in these regions would displease Spain, and in fact I believe that that would neither suit her interests nor ours. * * * For the rest, I think, sir, that if the Spaniards unite with us for the conquest of Jamaica we must expect more resistance on the part of the inhabitants than if we were alone. You know, sir, how much Spanish rule is dreaded throughout all America, and in truth it is so with reason. There reigns in almost all the possessions of that power in America a discontent of which I think the consequences are to be feared. These troubles in the Spanish colonies obtain for us from Spain some facilities in the progress of the campaign; they increase the aversion of her ministry to any connection with the United States of America." (1 Bancroft's History of the Constitution, 289.)

As to the character of Charles III, see 7 Winsor's Narrative, etc., 6.

Mirales,† who came to Philadelphia from Spain in 1780 on a mission of inquiry, was so far imbued with the prejudices of his principals as to be incapable of giving in return a fair account of American affairs. The more he saw the more he was appalled at the spectacle of the United States not merely wresting the Mississippi valley from Spain, but inciting Spanish South America to revolt. And he no doubt injected his anxieties into Luzerne, so as to make that sympathetic minister at least in part their participant. (See 5 Bancroft's United States, 301.)

Mirales, though not at first officially accredited to Congress, was received by it informally, so far as to enable him to confer in December, 1779, with a committee as to a joint movement of Spain and the United States against the British settlements in Florida. The formal difficulty was overcome by an assurance received from Luzerne, the minister of France, that Mirales was authorized to speak the views of Spain. Mirales had at the time letters from the Spanish ministry to the effect that he was to have the mission to the United States as soon as it was constituted. In February, 1780, Mirales gave it to be understood that Spain would be willing to sell Florida to the United States.

Grant of a million of francs in 1776.

§ 87. It was under the first of these policies that King Charles III, without the knowledge of any of his ministers except Grimaldi, contributed, on June 27, 1776, 1,000,000 of francs to the fund which Vergennes was then raising to sustain the American revolt. In addition to this subsidy, shipments were subsequently made through Gardoqui of military stores for the use of Congress, for which Spain supplied the money requisite for the purchase.‡

Of the activity of this agency the British Government obtained information in the summer of 1777:

The house of Gardoqui is very active. They have long had connection with Great Britain and America; but in the present contest, though they pretend to wish it was

* As to the attitude of Congress in respect to a truce, see index, title "Truce."

† See index, title Mirales.

‡ See Sparks in North Amer. Rev. for April, 1830.

ended, they have adhered to the latter with great partiality. (Grantham, British minister at Madrid, to Weymouth, August 11, 1777. Bancroft MSS.)

Very positive information has been received that the court of Spain has supplied them (Congress) with money, together with arms and ammunition to a considerable amount, from the Havanas and from New Orleans, and the rebels understand that they are not to be called upon to pay either the sums advanced or the stores furnished them. (Weymouth, secretary of state, to Grantham, British minister at Madrid, October 28, 1777.)

As to Spanish remittances to America, see Gardoqui to Arthur Lee, April 28, 1777; Arthur Lee to Gardoqui, May 8, 1777, and see, as to his services and his subsequent appointment to represent Spain in the United States, index, title Gardoqui.

Florida-Blanca.

§ 88. Florida-Blanca (François Antoine Monino), born in 1729, who became prime minister of Spain in February, 1777, in the place of d'Esquilache, was educated as a notary, of family far from patrician, but devoting himself to diplomacy with such success that before arriving at middle life he was Spanish ambassador at Rome. It was to his influence that the Jesuits were suppressed and Ganganelli was elected pope. Florida-Blanca was in his forty-seventh year when he accepted the direction of Spanish policy; and he brought to the post strong sense, incorruptibility, great experience, and liberal views, which, though tempered by caution and self-consciousness, were in advance of the age.* He was devoted to Charles III, following the latter's Erastian policy as opposed to the aggressions of the church. He shared the popular Spanish dislike to England, but he felt that Spain was not prepared for war, and, while loyal to the family alliance of the Bourbon kings, his national pride made him jealous of French ascendency. A royalist without the philosophic enthusiasm of Turgot, he looked coldly on the Colonies as a republic; a Spanish imperialist, desiring to preserve the Spanish dependencies in America, he could not, however much he might be willing to help on a revolt, take a hand in giving prominence to a revolution. To his counsels may be attributed the delays imposed on the reception of American ministers at Madrid, and the coldness with which these ministers were received when, from Spain joining the alliance against England, such reception became necessary.†

On March 30, 1782, Montmorin wrote to Vergennes that "Florida-Blanca has never been willing to declare himself openly for the United States, and at this very moment he seems to draw back from them more than ever." (1 Bancroft's History of the Constitution, 291.)

Florida-Blanca in February, 1778, declared to Grantham that he had no part whatever in the French councils, but offered to mediate by confining the United States to the Atlantic sea coast, giving the St. Lawrence valley to Britain, and retaining the Mississippi valley as far east as the Alleghenies for Spain. (Grantham to Weymouth, March 12, 1778.)

But even this limited acknowledgment of independence was then peremptorily refused by the British minister. (Weymouth to Grantham, May 20, 1778.)

* See 8 Larousse, 506.

† As to his diplomatic correspondence, see index, title Florida-Blanca.

Aranda. § 89. Aranda (Count de Aranda), whose name frequently appears in the following volumes, was Spanish ambassador at Paris during the revolution, and was a strong supporter of the Bourbon family compact and of the movements of Vergennes in favor of the insurgent Colonies. Born in 1718, of an illustrious Aragon family, he was first trained in the army, and then, after a mission to Poland, he became president of the Castilian council in 1765, in which capacity he took part in the expulsion of the Jesuits in 1767. He was sent to Paris as ambassador in 1773.

By nature proud, impetuous, restless, and obstinate, he had never disciplined his temper, and his manners were ungenial. A soldier in early life, he had been attracted to Prussia by the fame of Frederic; he admired Voltaire, D'Alembert, and Rousseau; and in France he was honored for his superiority to superstition. His haughty self-dependence and force of will just fitted him for the service of Charles III in suppressing the riots of Madrid and driving the Jesuits from Spain. As an administrative reformer he began with too much vehemence; but thwarted by the stiff formalities of officials and the jealousies of the clerical party, he withdrew from court to fill the embassy at Paris, where he was tormented by an unquiet eagerness for more active employment. His system was marked by devotedness to the French alliance and hatred of England, on whose prosperity and power he longed to see France and Spain inflict a mortal blow. But he was a daring schemer and bad calculator rather than a creative or sagacious statesman, and on much of the diplomatic business with France relating to America he was not consulted.

On the 29th of December, 1776, and again six days later, the American commissioners held secret but barren interviews with Aranda. He could only promise American privateers, with their prizes, the same security in Spanish ports which they found in those of France; he had no authority to expound the intentions of the king. His opinions, which passionately favored the most active measures in behalf of America, were known at Madrid and passed unheeded. (9 Bancroft's United States, 288. *)

Stormont, in a dispatch of March 26, 1777, to Weymouth, says:

"Franklin and Deane have had some secret interviews with Count D'Aranda; these have not, however, been frequent; Count Aranda has advised them to avoid it, and has, I am informed, talked to them in the following manner: 'If you were to see me often it might injure your cause. I have many enemies at home; I am known to be eager for war; it is my opinion, my principle, and I of course act up to it; I never deviate from or conceal my real sentiments, but as these sentiments do not fall in with the wishes of some considerable persons both in and out of Spain, too great intercourse between you and me might be prejudicial to your cause, to which I wish every success; my court might perhaps be less disposed to favor it if it was openly and warmly espoused by me. I am, however, authorized to inform you that my court will assist you with a sum of money, will go as far as 100,000 pounds.' (2 Hale's Franklin in France, 429.)† Aranda is coupled by Horace Walpole with Sartine as 'the principal incendiaries of the war.'" (Walpole to Sir Horace Mann, November 12, 1779; 7 Cunningham's Walpole, 271.)

* As to Aranda's position, see interesting observations in Trescot's Diplomacy of the Revolution, 71, 86.

† See Deane to committee, etc., Aug. 18, 1776; Franklin to Aranda, Apr. 7, 1777, index, title Aranda.

CHAPTER VI.

ATTITUDE OF OTHER EUROPEAN STATES.

Prussia at first disposed to encourage revolt.

§ 90. As long as Frederick the Great regarded the American disturbances as a mere revolt he was disposed to regard them with cynical satisfaction. He thoroughly disliked Britain, notwithstanding his relationship to the British reigning family; he was attached to the literature and language of France; he was irritated at the overbearing assumptions of Britain as mistress of the seas. Could America be kept in a state of chronic revolt it would be a good thing, so he thought, for Europe; and, aside from this, he conceived a great respect for Washington, whose strategy in the siege of Boston he highly commended. When the Revolution was in its earlier stages Frederick did not hesitate to express these views, and almost to promise recognition in case of such recognition being previously given by other great powers. He declined, also, to permit the troops Britain had been hiring in Europe to cross his territory, thereby not merely expressing his detestation of this mode of warfare by mercenaries, but virtually acknowledging the United States as belligerents.*

Change of policy when recognition would involve war with Britain.

§ 91. When France acknowledged the independence of the United States, and thus involved herself in a war with Britain, Frederick, so far from following her example in this acknowledgment, found this example a sufficient reason why acknowledgment should be refused. He was trying to build up Prussian commerce, and when could a better chance of doing this occur to him than that offered by a war in which he could be neutral, while the merchant ships of England and France were almost driven from the seas by the opposing belligerents' privateers. He had entered also into the armed neutrality, by which British seizures of enemies' property under neutral flags was to be stopped; but this league could only be broken by neutrals. He no doubt also was irritated at the disrespect with which he was treated by Arthur Lee, who took up his abode as American minister at Berlin without even an intimation that he would be there received. Hence it was that when Arthur Lee's papers were stolen from his desk at Berlin by direc-

* See index, titles Frederick the Great, Prussia. See, as showing Frederick's sympathy with the Revolution at its outset, citation in 10 Bancroft's United States, 100 *ff.*

tion of Elliot, British minister there resident,* Frederick, though he had previously acknowledged the United States as a belligerent power, and though it was then as now acknowledged that envoys from a belligerent to a neutral are entitled to diplomatic privileges, instead of sending Elliot home as a rebuke for such an outrage, treated the outrage as a joke, as if Arthur Lee and his papers were *ferœ naturæ*, which it was no offense to abduct.† In the same spirit of contemptuous aversion to the United States was dictated the letter to Arthur Lee, refusing to permit William Lee even to visit Berlin, to which he was accredited.‡ Some allowance may perhaps be made for irritation at the mixture of unceremoniousness and obsequiousness which marked the letters of the Lees to Frederick; but, however this may have been, both Arthur and William Lee, it must be remembered, were accredited to Frederick by the United States, whose *status* as a belligerent Frederick had already recognized; and that to subject them, or permit them to be subjected, to indignities at Berlin can only be explained by assuming that Frederick was changing his course as to the Revolution, and that he was determined to submit even to invasion of his own rights by Britain rather than run the risk of war, by which his "mercantile marine" would not only lose the rich neutral trade it was then enjoying, but would be swept from the seas by British cruisers. It was in the same spirit of politic propitiation of Britain that he informed the British minister that he had refused to Congress the use of the port of Embden as a base for American naval operations.§ It was not until the final acknowledgment of American independence by Britain, consequent on the definitive peace, that Frederick, having no longer any neutral interest to maintain, found himself in a position when advances could properly come from him. And they came in the shape of informal suggestions to Franklin, which ended in the treaty of 1785, in which Franklin, Jefferson, and Adams acted for the United States and Thulemeier for Prussia.

Frederick's cynical eye saw no future greatness for the United States as a republic. "The American Union," he said to Sir John Stepney, British envoy at Berlin, on October 22, 1782, "could not long subsist under its present form. The great extent of country would alone be a sufficient obstacle, since a republican government had never been known to exist for any length of time where the territory was not limited and concentered. It would not be more absurd to propose the establishment of a democracy to govern the whole country from Brest to Riga. No inference could be drawn from the States of Venice, Holland, and Switzerland, of which the situation and circumstances were perfectly different from those of the colonies." (MSS. quoted 1 Bancroft's History of the Constitution, 71.)

* See *infra*, A. Lee to commissioners at Paris, June 28, 1777, and note thereto.

Prussia's aid to America during the Revolution is discussed by Mr. Bancroft with a friendliness which has called forth the criticism of Doniol. (3, 117.)

† See more particularly *infra*, § 144, 193; and note to A. Lee to commissioners, June 28, 1777.

‡ See *infra*, § 177.

§ 10 Bancroft's United States, 111; see W. Lee to Thomson, Jan. 2. 1778, *infra*.

Russia: Catharine's ambition to lead Europe.

§ 92. To a political genius of singular boldness and comprehensiveness Catharine II added an ambition which was stimulated by unbounded flattery, not only at home but abroad. Her power was autocratic, her resources, apparently enormous, had the reputation of being boundless. But even giving them a moderate estimate, they would be capable, if wielded by a monarch so energetic as Catharine, of deciding the fate of Europe, when Britain, on the one hand, was arrayed against France, Spain, and Holland on the other. Hence it was that, desperately and conspicuously profligate as were her morals, with the guilt of conniving at her husband's assassination clinging to her, and parading her licentiousness so that her male favorites were exhibited as unblushingly as were the female favorites of Louis XV, she was courted by her fellow monarchs with an assiduity which would be incredible were it not brought before us in the correspondence of Lord Malmesbury (when Sir James Harris) while representing George III at the court of Catharine. Even Dana, sent by Congress to solicit her recognition, did not think it unsuitable for him, when knocking patiently for admittance, to speak to the minister whom he addressed, of the respect felt by Congress for her majesty's virtues, as well as for her great political genius. It is no wonder that, addressed by adulation so gross and so universal, Catharine should become the more set in the admiration of her own autocratic greatness as time moved on.*

Russian policy to build up neutral commerce, and hence the armed neutrality.

§ 93. Aside from her natural repugnance, as an autocrat, to revolts, Catharine had no particular desire to put an end to the war by throwing her weight with the allies, who had already superior strength. French, Spanish, British, American merchant vessels were driven from the seas by belligerent privateers. Now was the time for Russia to build up an immense carrying trade. She had ports; she had a hardy population that could be turned into the merchant service. This opportunity she would lose if she became a belligerent herself. To aid in building up this merchant service she had devised the project of an armed neutrality, a league to enforce the rule that free ships make free goods. In this project she induced the other northern courts to join;† the parties to this league agreeing to defend its principles by arms. Congress, ill advised of the position of Russia as to this alliance, instructed its minister (Dana) to profess to accede to it. But the admission of the United States as a party would have operated to defeat the prime object of the alliance, which was the fostering of non-belligerent commerce; and Russian commerce would have ceased to be non-bellig-

* See Dana to Livingston, May 2, 1783; and see generally titles Russia, Dana, in index; as to Dana, see *infra*, § 168; see Trescot's Diplomacy of the Revolution, 73 *ff.*

† See 2 Tooke's Catharine, II, 431 *ff.*; as to armed neutrality, see Trescot's Diplomacy of the Revolution, 74 *ff.*; Schuyler's American Diplomacy, 374.

erent if by acknowledging the United States she had provoked a war with Great Britain.

Position as to mediation.

§ 94. The ambition to take a commanding position in Europe induced Catharine, as will be seen more fully hereafter, to join with the Emperor Joseph, of Germany, in a proposition to the several belligerent European courts to mediate as to their respective claims. It was one of the most pregnant illustrations of the corruption of politics in those days that the British Government offered Catharine the island of Minorca if she would, as mediatrix, compel France to withdraw her troops from America.* This proposition Catharine declined, more, however, on account of its impracticability than of its monstrosity. But however this may have been, her position as mediator precluded her, as long as the negotiations for mediation were outstanding, from any acknowledgment of American independence. Whether the French acknowledgment of independence was a *casus belli* was the main question which a mediator in such a war would have to treat; and Russia could not acknowledge an independence the existence of which the war was waged to determine.

Failure of Dana's mission.

§ 95. We have already noticed the general ill effects of that system of militie diplomacy which consisted in sending, without any prior inquiry as to reception, ministers to foreign courts to demand not merely recognition but pecuniary aid.† Of these ill effects the humiliations met with by Dana at St. Petersburg are among the most conspicuous. He was a scholar, a man of singularly high tone, and subsequently became eminent for his public services both in Congress and on the bench.‡ But he went to St. Petersburg prejudiced against the French ambassador, who was the only diplomatist there who would recognize him; and without any means whatever, it would seem, of acquainting himself with the peculiar politics of the Russian court. His course during his stay in Russia, which lasted from August, 1781, to September, 1783, is narrated in his letters, which will be found in order of dates in the following volumes, and the general character of his mission is noticed in a subsequent section.§

German emperor unfriendly to revolution.

§ 96. Of the German Empire, under the Emperor Joseph II, we notice but little in the following pages. The reformatory and philanthropic principles of Joseph did not reach so far as to sustain a revolution. "My trade is that of a king," he told his sister when on a visit to Paris; and he declined when

Supra, § 30. As to this mediation, see Trescot's Diplomacy of the Revolution, 102 *ff.*

† *Supra*, § 19.

‡ *Infra*, § 168–170.

§ *Infra*, § 169.

there to enter into political conversation with Americans as to America. It is true that William and Arthur Lee informed Congress that they had heard that Joseph would receive an American minister if sent, and William Lee, when residing at Brussels, wrote that he had heard that the emperor would like to see an American resident at that place.* But William Lee found that when he attempted to reach Vienna, to which he was accredited, he was peremptorily warned off; nor was anything ever received from the emperor showing that he had so far changed his mind as to take the very odd step of inviting an American envoy to reside not at the imperial court but at Brussels. There was every reason why Joseph II, whose whole importance consisted largely in the maintenance of monarchy, would have considered the humiliation of monarchy by colonists as an act which he ought not to encourage.† It was not until 1786 that negotiations for a treaty with Germany were entered upon by the United States.

The Netherlands.

§ 97. The Netherlands, at the earlier period of the revolutionary war, were torn by contending parties, neither of which obtained absolute ascendency. These were—

(1) The Prince of Orange and the supporters of his family. Irresolute and indiscreet, his personal affections, so far as he had any, were towards England, to which his family were allied not only by blood but by many glorious associations. His wife, a woman of great energy, who exercised over him occasionally much influence, was a niece of Frederick the Great, and disposed to follow her uncle's advice, which at that time pointed rather to France than to England.

(2) The commercial interests, who desired above all things to keep out of the war, from which, as the great neutral carriers of the world, they were gathering enormous profits. As they were not only the great carriers but the great money-lenders of Europe, it was not likely that by lending money to America, even if the security were alluring, they would permit themselves to be drawn into the position of belligerents, and thus let their shipping fall a prey to British cruisers.‡

(3) The aristocratic party, devoted from tradition or interest or fashion to France, always had much influence at court, and sometimes this influence was predominant. Whatever may have been the merits, so far as concerned industry and zeal, of Sir Philip Yorke, British minister at The Hague, his temper was overbearing, giving to his manner at

* See William Lee to secretary of foreign affairs, March 31, 1782; and, see generally index, titles Arthur Lee and William Lee.

† See Arthur Lee to committee, July 29, 1777.

‡ That Holland and all other maritime European powers would suffer from the independence of the United States is elaborately argued in a pamphlet issued in Leyden in June, 1781, and published as translated in Schlözer's Briefwechsel, 1781, 130 *ff.*

In the Sparks Collection, vol. 72, Harvard College, is a collection of extracts from the correspondence of Sir Joseph Yorke, in Holland, from Jan., 1776, to Dec., 1780.

court a roughness which was in marked contrast with the courtesy and tact which marked the French legation. The social prestige of France also was as yet unshaken on the continent. French was the court language; the prevalent literature was French; the Princess of Orange shared her uncle's taste for French ways, and if Britain controlled the seas, France was a great continental power at the very gate of The Netherlands. The Netherlands, therefore, if forced to decide would have been compelled to choose between a power that could overrun them on land and a power that could ruin them at sea.

(4) Liberals, whose enthusiasm led them to sympathize with freedom wherever asserted. But the liberals formed but a small party in The Netherlands, although their ability and activity brought them constantly before the public eye.

(5) Federationists, who looked to forming a powerful league of the northern powers for the purpose of establishing an armed neutrality for the protection of non-belligerent commerce in the war then pending against the rapacity of British cruisers. The interests which combined in the support of this league leaned mainly on Catharine II, who was its originator. The influence in Europe of this ambitious princess was then very great, and she threw that influence in favor of that party in The Netherlands which sought, under the banner she unfurled, to keep out of war, and to sustain that armed neutrality which it was hoped would secure neutral commerce from belligerent spoliation.

These were the prominent parties who, in that critical era, strove for the direction of affairs in The Netherlands. The fact that no one of them was strong enough to control public affairs, and that only one of them, and that the weakest, had any sympathy with revolutionary politics, might in itself have been a sufficient reason to hold Congress back from sending a minister to The Netherlands to borrow money. But aside from this difficulty an almost insuperable bar was placed, by the peculiar system of federation there existing, in the way of any national political action favorable to the United States.

Of these considerations Congress was not aware when it determined, in 1776, to send a minister to ask alliance and money from The Netherlands. Had a commercial agent been sent out to borrow money from Amsterdam bankers, then, if the security offered had been sufficient, the money could have been had; and this turned out subsequently to be the case when France offered to guarantee the payment of loans so made. But to go into the market to borrow money from bankers is not the office of a political envoy, and it dishonors both him and his country to clothe him with the title of minister when his sole office is that of an agent for raising money from unofficial bankers. And to obtain a loan from the government of The Netherlands was, for the reasons we have given, impossible so long as The Netherlands remained neutral in the war by which both continents were convulsed. The correspondence that will be hereafter given will show how fruitless as well as impolitic were the

labors of our political agents in The Netherlands so long as The Netherlands were able to keep out of the war.*

Tuscany refuses to receive minister.

§ 97*a*. To Tuscany Congress resolved to send a minister to borrow money, and Ralph Izard, then in Paris, was selected and commissioned for the purpose. He never left Paris, however, Tuscany resolutely repelling him whenever he proposed to start. The effect of his mission in other relations is elsewhere considered.† Tuscany was a third-rate power, which was without money to lend or political influence to offer, and whose politics were remarkable chiefly for their servile absolutism. That such a power would refuse to permit an American envoy to approach it no person cognizant of the condition of things could doubt. Almost at the very time this mission was instituted the Tuscan court was in such dread of George III that it resorted to the unworthiest of subterfuges to keep out of Florence the brothers of that monarch, with whom at the time he had thought proper to quarrel. Yet it was to Tuscany that Izard was sent by Congress to ask both recognition and money.

* See Trescot's Diplomacy of the Revolution, 83 *ff*.

† Infra, § 178; and see index, title Izard.

CHAPTER VII.

MEDIATION.

By Spain in 1778.

§ 98. The interposition of Spain by way of mediation, which was announced by Gerard to Congress on February 9, 1779, was a mere preliminary to the entrance of Spain into the Franco-American alliance, since Spain was at that time aware that Britain would not then enter into any negotiations in which the United States were to be treated with as an independent power. The negotiations relating to this mediation have been already detailed.*

By imperial courts in 1780.

§ 99. In 1780, as already stated, the Empress Catharine II, with the co-operation of the Emperor Joseph II, proposed to mediate between the European belligerents. The correspondence as to this mediation will be found at large in the following volumes.† The impulse to this movement on the part of Catharine could not have been expectation of success, since she knew that France would refuse to accept a mediation from which America was excluded; and it must be sought in that restless ambition on her part which, stimulated by the flattery of the leading European sovereigns, prompted her to assume the position of arbiter in all questions in which Europe and Asia were concerned.‡ The prior mediation of Spain failed because Britain refused to enter into any negotiation which recognized the United States as one of the negotiating powers; the mediation of the imperial courts failed because France made such recognition of the United States a *sine qua non*. The attempt of the British to bribe Catharine in case she should undertake the part of mediator has been already noticed.§

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* *Supra*, § 86.

† See index, title Mediation.

‡ This is the motive assigned by Sir James Harris, no doubt correctly, in the very interesting paper contained in the first volume of the Malmesbury Correspondence.

§ *Supra*, § 30.

CHAPTER VIII.

QUESTIONS OF INTERNATIONAL LAW INVOLVED.

Neutral governments can not furnish money or arms to belligerents, but their subjects may.

§ 100. It was conceded by the French Government that for it to furnish money or arms to Congress, then waging a war of insurrection against Britain, would be a violation of the law of nations and a legitimate *casus belli*. On the other hand, according to the rules of international law then and still prevalent, French subjects were at liberty, without involving France in a breach of neutrality, to supply the insurgents with money and with munitions of war; such supplies, however, being contraband and liable to confiscation if seized as such by Britain. The French Government not only desired that these supplies should be given to America, but determined to promote their transmission so far as this could be effected without exposing it to the charge of direct interference. In order to bring the case within the range of at least apparently legitimate neutral operations it was determined, as we have seen,* to establish a mercantile house in Paris for the purpose of *selling* arms to Congress in exchange for American produce to be sent to France.† If the arms so were sold, the fact that they were bought from French arsenals would not itself be a breach of neutrality in France; and so in fact, was it held in the United States during the late Franco-German war, in which the mere fact that guns purchased at one of the sales of surplus arms by the government were sent by private enterprise to one of the belligerents was agreed not to impute a breach of neutrality by the United States. And Vergennes, pursuing this line, declared that if mercantile houses in France should furnish supplies to the American insurgents the French Government could not interfere, even though such supplies were purchased from government stores.

French Government indirectly sustained by furnishing money and arms to a house engaged in forwarding these supplies.

§ 101. Such was Vergennes' position as exhibited to the public eye. But so feverishly anxious was France to disenthral herself from what appeared to be the vassalage imposed by the treaty of 1763, and so impetuous became the appeals of the French enthusiasts of high rank who had espoused the American cause, that Vergennes determined that not only should business agencies organize

* *Supra*, § 61.

† *Supra* §§ 53 *ff.* 61.

to supply arms and clothing to the United States be aided by the government, but that he would assist in the organization of such agencies. And he consoled himself by the reflection that in so doing he was not advancing beyond the line laid down by England in her conduct to insurgents during civil wars in France. Government aid therefore was to be given, but it was to be concealed by every diplomatic art. Of all men in France Beaumarchais would appear to be the least likely to be selected as the head of a commercial house;* and Beaumarchais was then employed, and judiciously employed, as a government court agent in America, not merely on account of his knowledge of these affairs, but from the fact that the most jealous British critic could hardly suspect him of being the head of a mercantile firm selected to lead in the enterprise.

Under the paternal system then prevailing in France royal grants of money were regarded as among the ordinary essentials to the establishment of any business enterprise by which the public could be benefited, and here was a proper case for such bounty, since it was obvious that Beaumarchais' house under his name could not succeed without extraneous aid. Congress had no ready money. Paying by American produce might hereafter be made hazardous by British blockading cruisers. Anyhow large capital was required to start the enterprise, and from private hands large capital could not be obtained. Hence, unless in this, as well as in other business enterprises, the king did not step in with a *bonus* this new establishment for the supplying of arms to belligerents could not be put in motion.

Both France and Spain felt this, and each of them, rankling with the mortifications of the prior war with England, contributed 1,000,000 francs to the house of Rodrique Hortalez & Co., which was the business name Beaumarchais assumed. A few months afterwards Vergennes paid the American commissioners 2,000,000 francs in gold, to be repaid by American produce or in currency.† And there can be no question that arms which were obtained by Beaumarchais from French arsenals were given to him by the government with the intention that they should be sent to America.

This is a breach of neutrality.

§ 102. The supply of money by France to the American insurgents was unquestionably a breach of neutral duties. But such, however, argued Vergennes, was not the case with a *bonus* given by the government to a mercantile house to enable it to furnish munitions of war to a belligerent. France, it is well known, was in the habit of giving subsidies or bounties to industries in which she felt on national grounds an interest—to certain classes of shipping, to fishing vessels, to manufactories in their early stages, to mining. He may now say this was a vicious system, but it was the system of those times, and it was consistent with this system that sub-

* *Supra*, § 58. † See on this question, *supra*, §§ 61, 64, 69.

sidies or bounties should be given to a mercantile house whose object was to put France at the head of all nations in the manufacture and sale to belligerents or expectant belligerents of munitions of war. If this was the object of the contributions by France to Hortalez & Co. it might plausibly be argued to be consistent with neutral duties.*

But, as a matter of fact, the aid given by the French Government to Beaumarchais was given to him not as a business man engaged in the general work of buying and exporting munitions of war, but as an agent employed in the transmission of supplies to insurgents against Britain with whom France was then at peace; and this was a breach of neutrality on the part of France.

The attitude of the French Government towards the United States prior to 1778, so far as concerns its evasion of neutrality, was the subject of three interesting and important pamphlets: The French Exposé des motifs de la conduite du Roi de France relativement à l'Angleterre, 1779; the Mémoire justificatif, in reply, attributed to Gibbon, and published by the British ministry; and the French rejoinder, Observations de la cour de Versailles sur le Mémoire justificatif de la cour de Londres.

When the question of supplies came up before the French cabinet in 1776–'77, "memoirs were written by the respective ministers, read in council, and examined in detail. The great talents and learning of the eminent jurist Pfeffel, and the still more eminent publicist Favier, were called into action on this occasion, and the papers they produced unquestionably had much weight in giving a more decided and uniform tone to the sentiments of the cabinet. They were on the side of Vergennes. The argument of Pfeffel was a masterly display of ability, knowledge, and reasoning. He supported his positions on the ground of equity, legal precedents, historical acts, and the laws of nations, and drew from the whole the general inference that it is lawful and right for France to espouse the cause of the Colonies in opposition to the authority and the arms of Great Britain." (30 North American Review, 462, by Sparks.)

The supplies thus granted, therefore, could only be sustained on the ground that France in giving them was ready to take the risk of war, a good cause of which they thus afforded to Britain. And it must be remembered that English history affords instances of similar aid given to belligerent insurgents whose independence has not been recognized by their parent state.

These instances are thus narrated by Phillimore:

The formal recognition of the South American republics took place in 1825, under the negotiation of a treaty of commerce, while they were yet unacknowledged by the mother country. The formal recognition of Greece as an absolutely independent power may be said not to have definitely taken place till May, 1832. But on July 6, 1827, Great Britain and Russia interposed, in order to guaranty a quasi independence to Greece, and covenanted by a secret and additional article to send consular agents and enter into commercial relations within a month from the date of the treaty, whether the Porte consented to or refused its conditions. And as an incident to the "material aid" furnished by England to Greece the battle of Navarino was fought, by which the Turkish fleet was destroyed by English and French cruisers, England being at the time at peace with Turkey. Even while Francis the Second, king of the Two Sicilies, was endeavoring to maintain his authority at Gaeta, England recognized the annexation of Naples to the Kingdom of Italy, having previously expressed, through Lord John Russell, their foreign secretary, decided sympathy with the insurgents. (2 Phill. Int. Law, 31 *ff.*)

* See *supra*, § 55.

CHAPTER IX.

DIFFICULTIES OF REVOLUTIONARY DIPLOMACY.

From domestic organization.

§ 103. The domestic diplomatic organs of Congress during the revolutionary war were as follows, taking them in order of time:

(1) *Committee of secret correspondence*, consisting of Harrison, Franklin, Johnson, Dickinson, and Jay.

(2) *Committee of foreign affairs*, which in April, 1777, succeeded the committee of secret correspondence in all matters relative to our interests abroad. It was a part of the policy of Samuel Adams, of Richard H. Lee, and of those who agreed with them in opposition to distinct executive departments, that Congress should conduct the entire executive business of the Government through committees appointed from time to time by itself and acting under its direct instructions.* But peculiar difficulties attended this plan when applied to foreign affairs. The committee of foreign affairs was changed from time to time not only by action of Congress, but by the shifting to and fro of its members as convenience required or intrigue managed; and in this way, in consequence of divisions of opinions which will be hereafter noticed, the tone of the letters sent abroad followed the varying opinions of those who were on the committee at the time. Aside from this, a fluctuating committee, without permanent chairman or secretary, could have no fixed line of public policy. This policy Congress undertook to determine from time to time by way of resolutions, hearing communications from foreign ministers and its own envoys read to it, and then resolving what should be its reply, or, when a policy had to be initiated, resolving what that policy should be. But Congress was not always in session; and even when in session it had not time specifically to direct a correspondence so voluminous and intricate as that to which our foreign affairs gave rise. Hence the great body of this correspondence fell on the committee of foreign affairs, and that committee, for the reasons above given, was not a suitable or adequate agency for the performance of such a work. The failure of the system is thus stated by Lovell, one of the most strenuous supporters of the absorption of executive functions in legislature, in a letter dated August 6, 1779, (see *infra*, under that date) to Arthur Lee: "There is really no such thing as a committee of foreign affairs existing—no secretary or clerk further than I persevere to be one and the other. The books and papers of that extinguished body lay yet on the table of Congress, or rather are locked up in the secreta-

* See *infra*, § 209.

ry's private box. There was a motion, as I have before told you, to choose a *new* committee; the house would not so insult *me.* An indifference (*sic*) then took place as to filling the old one, upon presumption, I suppose, that a little leaven would leaven the whole lump. It would be impossible that you should have enemies in a committee where was one so to arrange vouchers of your industry, capacity, and honor as it is thought I am able to do."*

(3) *President of Congress*, who, when there was no committee appointed for the purpose and no secretary for foreign affairs, undertook, under the direction of Congress, its diplomatic correspondence.

(4) *Secretary for foreign affairs.* It was determined early in 1781 to establish a department of foreign affairs, but it was not until October, 1781, that Robert R. Livingston, who had been elected to the office, was able to enter on its duties.† His practice as secretary was to send out no papers of importance without first submitting them to Congress, and also to submit to Congress all dispatches and communications from abroad with his drafts of replies. Singularly able and accomplished as Livingston was, he never was intrusted with those initiative diplomatic powers which in England and now under the Constitution of the United States are confided to the department having charge of foreign affairs. Congress continued to pass resolutions directing the policy foreign ministers were to pursue, though in one critical case, that of the instructions to the peace commissioners to act in concert with France, these instructions were disobeyed. Congress also held frequent interviews with the minister of France, in which there was what was called a free interchange of thought, ending in expressions by which the Confederation was more or less committed. The speeches and contemporaneous letters of members of Congress, therefore, are among the best expositions of the action of Congress, and are given as such, when attainable, in the following pages.‡ But as Congress sat in secret, with its members pledged to secrecy, the information we can obtain from this source is limited to what may be gathered from incidental references in correspondence and from the fragmentary notes of debates taken during the closing years of the war by Madison and Thomson.

The following proceedings give information as to the organization of the Department of Foreign Affairs:

Report on regulations in the office of foreign affairs, December 15, 1784.

The committee to whom was referred "regulations in the office of foreign affairs" humbly report:

That a resolution passed the 22d February, '82, empowered the secretary for for

* See *infra*, to same effect, Lovell to Lee, June 3, 1779, and see, as to committee government, *infra*, § 209.

† See *infra* § 180, *ff*; index, title Livingston.

‡ The immense amount of labor thrown on Livingston as secretary is shown by the fact that he had but two under secretaries, and that five copies were made of all the papers that went out. (Livingston to Congress, Jan. 25, Feb. 23, 1782.)

eign affairs to appoint an under secretary and one or more clerks, that in the opinion of your committee this power implies a right to remove them, or either of them, at his discretion.

That your committee conceive this right to appoint and remove the under secretaries and clerks that he may find it necessary to employ has not been revoked by any subsequent act of Congress, and that it was in no wise affected by the resolution of the 3d February last for the appointment of an under secretary to take charge of the papers of the department until the further orders of Congress.

That your committee are further of the opinion that a reasonable allowance should be made to the gentleman who may preside over this important department as a compensation for his services beyond what his dignified station may require him to expend. That Congress, in distinguishing between the sums given as a reward for his services and those intended for the support of the office, will free him from embarrassments which he can not but feel when he is at a loss to determine whether his own sentiments on this head conform to those of Congress.

Your committee therefore submit the following resolution:

Resolved 1, That the resolution of the 3d February, 1784, for the appointment of an under secretary in the Department of Foreign Affairs to take charge of the papers, and the appointment in consequence thereof, continue in force no longer than until a secretary to the United States for the Department of Foreign Affairs take the oaths and enter upon the execution of his office.

Resolved 2, That one thousand dollars a year be paid to the secretary of the United States for the Department of Foreign Affairs as a compensation for his services in that department beyond the salary of 400 dollars settled on him by the resolution of the 22d February, 1782, which Congress conceives it may be necessary for him to expend in support and maintenance of his office.

SEPT. 7, 1785.

Resolved, That whenever it shall appear to the secretary of the United States of America for the Department of Foreign Affairs that their safety or interest require the inspection of any letters in any of the post-offices, he be authorized and empowered to inspect the said letters. Excepting from the operation of this resolution, which is to continue for the term of twelve months, all letters franked by or addressed to members of Congress.

AUGUST 14, 1788.

The committee appointed to inquire fully into the proceedings of the Department of Foreign Affairs report:

That two rooms are occupied by this department, one of which the secretary reserves for himself and the reception of such persons as may have business with him, and the other for his deputy and clerks.

That the records and papers belonging to the department are kept in a proper manner, and so arranged as that recourse may be had to any of them without delay or difficulty.

That they find his method of doing business is as follows: The daily transactions are entered in a minute-book as they occur, and from thence are neatly copied into a journal at seasons of leisure. This journal contains a note of the dates, receipt, and contents of all letters received and written by him, with references to the books in which they are recorded, of all matters referred to him, and the time when, and of his reports thereupon, and in general of all the transactions in the department. It is very minute, and at present occupies two folio volumes.

His official letters to the ministers and servants of Congress and others abroad are recorded in a book entitled Book of foreign letters, and such parts as required secrecy are in cyphers.

His official correspondence with foreign ministers here and with the officers of Congress and others in the United States, including the letters received and written by him, are recorded at large in a book entitled American letter book. They already fill three folio volumes.

His reports to Congress are recorded in a book entitled Book of reports, the third volume of which is now in hand. The papers on which the reports are made are subjoined to the report, unless in cases when, according to the ordinary course of the office, they are recorded in other books.

His correspondence and the proceedings with the Encargado de Negocios of Spain are recorded in a book kept for that purpose.

The passports for vessels issued by the secretary under the act of Congress of 12th February, 1788. together with the evidence accompanying the several applications, are recorded in a book kept for that purpose.

The letters of credence and commissions of foreign ministers, chargé des affaires, and consuls to the United States are recorded in a book entitled Book of foreign commissions.

There is also a book kept and regularly sent to the secretary of Congress to receive such acts of Congress as respect the department.

A book of accounts is kept, in which are entered the contingent expenses of the office.

The business of the office is done by his deputy and two clerks, and whatever time can be spared from the ordinary and daily business is employed in recording the letters received from the American ministers abroad. In this work considerable progress has been made. We find already recorded one volume, containing the letters of Mr. Dana during his mission to Russia, commencing 18th February, 1780, and ending 17th December, 1783; of Mr. H. Laurens, commencing 24th January, 1780, and ending 30th April, 1784; and of Mr. John Laurens during his special mission to Versailles, commencing 3d January, 1781, and ending 6th September following. Five volumes, containing the letters from Mr. Adams, commencing 23d December, 1777, and brought up to 10th April, 1787; the sixth volume is now in hand. Two volumes, containing the letters from Mr. Jay, commencing the 20th December, 1779, and ending 25th July, 1784. The letters from Mr. Deane, commencing the 17th September, 1776, and ending 17 March, 1782, are recorded, and those from Mr. Arthur Lee, commencing 13th February, 1776, and brought up to 15th February, 1778, are now in hand.

Those from Dr. Franklin, Mr. Jefferson, the first joint commissioners, the joint commissioners for negotiating a treaty of peace, and those for negotiating treaties of commerce, Mr. William Lee, Mr. Dumas, and others, are numerous, and are yet to be recorded.

The letter-book of the late committee for foreign affairs, composed of sheets stitched together and much torn, has been fairly copied in a bound book and indexed.

The books used for the records are of demy paper, and each volume contains from 5 to 6 quires of paper, being all of a size, except the two volumes of the secretary's reports, which are somewhat less.

There is an index to the paper cases and to the boxes in each case and to the papers in each box. In these cases and boxes are filed the original letters and papers belonging to the office.

The office is constantly open from 9 in the morning to 6 o'clock in the evening, and either his deputy or one of the clerks remains in the office while the others are absent to dinner.

By inspection of the book of foreign letters your committee find that several timely efforts have been made to furnish Mr. Carmichael with a cypher, the last of which they have reason to hope is successful. And upon the whole they find neatness, method, and perspicuity throughout the department.

From congressional vacillation.

§ 104. The vacillating foreign policy of Congress added not a little to the difficulties of its legations abroad. It is elsewhere observed that Congress was divided in diplomatic, as well as in military and financial, matters into two distinct schools, the doctrinaire enthusiasts, such as Samuel and John Adams and Richard H. Lee, who believed that ideas, if pressed with untutored force, would triumph over all artificial barriers, and the school which held that in diplomacy, as well as in war and finance, all the rightful expedients which experience proved to be efficient should be made use of. By the first school it was insisted, as we will see, that envoys should be sent to demand succor from every European country, and it was predicted that if they spoke with sufficient resoluteness succor would be given. By the second, following in this respect the conclusions reached by modern diplomacy, it was held that no envoy should be sent to a court which had not previously intimated that such an envoy would be received, and it was predicted that envoys sent without this previous courtesy would meet with humiliating rebuffs.

It was unfortunate for us that a majority of Congress, influenced not only by the zealous appeals of the advocates of the first view, but by the letters of Arthur and William Lee, stating that they were informed by reliable authority that Spain, Holland, Prussia, Russia, Germany, Tuscany, and Sweden were anxious to receive American ministers, determined that such ministers should be sent. Their adventures, when attempting these missions, have been already incidentally noticed and will be hereafter more fully specified. It is enough here to say that the advocates of the policy which sent them looked upon Franklin, whom they regarded as the chief antagonist of that policy, with peculiar dislike. According to Richard H. Lee he was a "wicked old man," who would hesitate at no new crimes by which his old crimes could be covered up; and he was regarded by Samuel and John Adams if not indeed as actually wicked, as an indolent philosopher, who, from his love of aimless intrigue and his dislike to bold push, would deprive his country of advantages which a courageous front would procure.*

The fluctuating policy of Congress as to foreign affairs is illustrated by the divisions in the committee to whom these affairs were intrusted and the changes in the tone of our diplomatic correspondence as one or the other of these parties was in its turn in the ascendant. When the committee was first constituted it contained, under the title of the "secret committee," the names of Franklin, Jay, Harrison, and Morris; to the first two of whom Arthur Lee objected as unfriendly to himself, while Harrison and Morris were known to be devoted friends of both Washington and Franklin. But Franklin and Jay went abroad, Morris after a while transferred his attention to the finance department, and frequently we find important instructions signed only by Richard H. Lee and Lovell, Lovell being a devoted friend of the Lees and of Samuel

* See *infra*, § 126, 149.

Adams. It was during periods when this committee was thus controlled that instructions issued withdrawing, as far as could be decently done, the control of our foreign relations abroad from Franklin, and placing it in the hands of those singular functionaries, our envoys without residences, whose very existence was ignored by the courts to which they were commissioned. It is true that when Morris, or Witherspoon, or Harrison, was in the ascendant on the committee, Franklin was treated as from the nature of things at the head of our diplomatic system; and it is true, also, that during the masterly administration of Livingston this view was taken, and Congress was advised to recall the envoys, who were not and would not be received as such in the courts to which they were sent. Still the contradictory character of the instructions received by our foreign ministers during the Revolution forced them at least in some cases to select their own line of action.

Our foreign relations, then, labored, in the first place, under the difficulty arising from the alternations of ascendancy between the school which on the one side desired to establish a diplomatic system as known by the law of nations, and which advocated a central diplomatic executive, selecting Franklin as the proper foreign representative of this executive, and the school on the other side which sought to do away with such executive, sending out a series of delegated representatives, keeping each under congressional control, under immediate congressional impulse. But there were also, in the second place, radical changes of congressional policy on matters of supreme importance, as to which Congress, from the impossibility of its obtaining prompt information, was not competent to act. Prominent among these were the questions relative to the Mississippi valley and to the fisheries, the action of Congress as to which will be detailed in the following pages.*

From difficulty of ocean correspondence, and its intercepting and falsification.

§ 105. Even under the best circumstances letters then averaged two months in their passage from Philadelphia to Paris. When, however, the British blockade became more thorough, only a fraction, sometimes but small, of the letters sent reached their destination.

"When Congress had as many as twelve paid agents on that continent (Europe), all of whom wrote by every opportunity, and some of whom were authorized to make opportunities, and actually did attempt to start a packet once a month, there was once a period of eleven months during which Congress had not a line from one of them." (2 Parton's Franklin, 151.)

* See index, titles Mississippi, Fisheries, Franklin, Jay, Congress. As to determination of Congress, see *supra* § 8. The great poverty of the country was one of the causes which limited attendance of members whose income was cut off by the war.

The Articles of Confederation provided that no delegate to Congress should hold a seat more than three years out of six. The execution of this provision, however, was considered optional in the States, and Massachusetts, in particular, returned Samuel Adams and Lovell, regardless of this restriction, during almost the entire war.

So great was the difficulty in correspondence that four copies were made of every official document set forth, and on each was the warning written "to be sunk in case of danger from enemy."

Even when letters from America reached a European post-office they were opened, and if it were judged politic, detained. Hence it was that it was thought necessary to intrust very important papers to special agents.*

"These important dispatches (the first issued by the committee of secret correspondence) were not intrusted to any of the ordinary modes of conveyance. A special messenger was employed, Mr. Thomas Story, who was ordered to visit London, Holland, and Paris, deliver to Mr. Lee and Mr. Dumas their letters, and receive their replies, forward the Spanish dispatch, confer with certain friends of Dr. Franklin in Paris, and return to America with all speed. Soon after the departure of Mr. Story a M. Penet left Philadelphia for France, carrying with him from the committee a large contract for supplying arms, ammunition, and clothing for the American army. M. Penet was a merchant of Nantes, in France, a man zealous to serve the Colonies, but not of great capital or great connections. To him also Dr. Franklin intrusted letters to his friends in France, particularly to Dr. Dubourg, of Paris, the translator of his works, his fond and enthusiastic disciple." (2 Parton's Franklin, 113.)

Of the French dispatches from Philadelphia to Paris sometimes as many as seven were sent by distinct conveyances, never less than four. To the ciphers in these dispatches the British Government had at least a partial clew.

As will be hereafter seen,† an effort was made by Deane, and with comparative success, to evade scrutiny by writing his diplomatic dispatches between the lines of illusory business notes in invisible ink, which Jay, then on the home committee of correspondence, was enabled to bring out by an acid in his possession.

When captured, letters which were secured by the enemy were as a matter of course reported at once to the foreign office at London, so that, as more than half of our correspondence met this destiny, the enemy was informed of the plans of Congress at least as freely as were the ministers of Congress abroad. It is true that some of these letters were in cipher. But the keys to most of our ciphers seem to have been possessed by the British foreign office, and even when this was not the case, an expert might at least make such a guess at a cipher as to invest it with dangerous effects. How artfully and mischievously this could be done is illustrated in the instance of the famous Marbois letter, elsewhere discussed at large,‡ in which an alleged letter from Marbois to Vergennes§ was "deciphered" in such a way by the British authorities in whose hands it fell as to make out of it a paper which, though

* Doniol states that of four or five copies of dispatches sent by Gerard to Vergennes often only one reached Versailles. (3 Doniol, 295.)

† *Infra*, § 155; 1 Jay's Life, 65.

‡ *Supra*, § 85; *infra*, Marbois to Vergennes, Mar. 13, 1782, with note thereto.

§ See this letter *infra*, under date of Mar. 13, 1782, with notes thereto. The stealing at Berlin of Arthur Lee's papers by the British minister is another illustration of the same unscrupulousness. See *infra*, Arthur Lee to commissioners, June 28, 1777. See introduction, §§ 144, 193, and under title of Forgery.

subsequently disavowed, as translated, by Marbois, yet at the time produced in the mind of Jay, to whom it was handed by Fitzherbert, a British envoy, under pledge of secrecy, the impression that France was untrue to her pledges of fidelity to the United States. The same may be said of certain "deciphered" letters of Washington claimed to have been intercepted by the British and published as originals. Much in them was admitted by Washington to be true. Yet by a few changes they were given a meaning not only essentially false, but which, had they been genuine as published, would have seriously injured the revolutionary cause.

But supposing letters from America reached France or Spain, or The Netherlands, or Russia, as the case might be, their destiny was still uncertain. In France they were in friendly hands, so far as concerned the post; and if they were opened their contents were not used so as to prejudice the common cause. But it was otherwise with Spain. No letters reached Jay by Spanish post, so he tells us, which did not bear marks of having been opened; and those he received he supposed to form but a fraction of those kept back.

From undue multiplication of envoys.

§ 106. It has already been shown that the policy of sending ministers to European courts where such ministers were not received worked injuriously to the United States from the mere fact of their non-reception. Another difficulty arose from the circumstance that several of these ministers took up their residence in Paris, and, without specific authority, considered it their duty to take part in the counsels of the American legation. Thus Ralph Izard, commissioned to Tuscany, never went there, but remained in Paris, claiming a right to be informed of all the details of the negotiations with France, and occupying no small share of the time and care of Franklin with discussions of this claim, which Franklin could not accede to, but on which Izard continued to insist.* When the triple legation of Franklin, Deane, and Arthur Lee (and afterwards Franklin, Arthur Lee, and Adams), was commissioned, it was understood that its members were to divide, so that one (Franklin) should remain in Paris, while the others should take charge of the missions to other capitals. But Arthur Lee, when he found that he could not be received in Madrid, or in Vienna, or in Berlin, made but brief excursions to Spain, to Austria, and to Berlin, reporting himself after each short trip promptly at Paris, there to differ from Franklin not only as to important business details, but as to the whole policy of the mission. When Adams was in Paris, during their joint mission, he concurred with Arthur Lee in what turned out to be the disastrous measure of removing Williams as commercial agent and putting in his place William Lee, with a nephew of William and Arthur Lee as clerk;† while on the

* See index, titles Franklin, Izard.

† See *infra*, §§ 153, 176, 186.

whole question of sending legations to foreign courts which had not consented to receive them, and in the still more important question of the attitude to be assumed by the commissioners to the French court, Adams agreed with Lee. To these differences are to be ascribed the "dissensions" between the ministers at Paris in 1778–'79, which will be hereafter discussed.* It is due to Adams to say that he saw the inherent difficulties of permanent missions conducted by three joint commissioners; that he recommended that there should be but one permanent minister to France; and that he recognized Franklin's great influence with the French ministry as a strong reason for his retention though without colleagues.

But there can be no doubt that down to the period when Franklin became sole minister, the American cause in Europe was much embarrassed by the fact that he had colleagues associated with him. Had it not been for Deane the complications with the numerous officers commissioned by him would not have arisen, nor would the transactions with Beaumarchais have been enveloped in a mist which it is even now impossible fully to dissolve. Had it not been for Adams and Arthur Lee our relations with France would not have been imperiled, nor would the missions to Berlin, Vienna, Florence, Madrid, and St. Petersburg have been attempted until a reception was assured. Moreover, the mere presence together in Paris of commissioners whose views of policy so widely diverged was calculated by itself to throw great discredit on American interests in Europe. And this discredit was not diminished by the indelicate importunity of the appeals for recognition and loans made by these envoys to the states to which they were specially commissioned.

Jefferson took the position that "the Americans ought never to solicit any privileges from foreign nations, in order not to be obliged to grant similar privileges themselves;" and it was partly on this ground that he objected to the sending envoys to courts to which they were not invited. This De Tocqueville (2, 298) calls plain and just.

From extraneous burdens.

§ 107. It was on the legation at Paris that gradually fell the burden not only of providing in a large measure funds for the continuance of the war, but of determining the innumerable questions that arose as to treatment and exchange of prisoners in Europe; as to the superintendence and direction of the numerous American privateers which made European ports the base of their operations; as to the prizes brought in by such privateers and their distribution; as to the selection and forwarding of supplies. These duties are hereafter more particularly described.†

From defective arrangements as to salaries and expenses.

§ 108. At first the salaries of the commissioners were not fixed at a specific rate, Congress resolving "that they should live in such a style and manner as they might

Infra, §§ 126, 149. † *Infra*, § 118.

find suitable and necessary to support the dignity of their public character," and that "besides the actual expenses of the commissioners a handsome allowance should be made to each of them *as a compensation for their time, trouble, risk, and services.*" It was under this last clause that arose the question as to Izard's salary when unemployed in Paris, (he being there when his commission came and never having visited Tuscany, to which he was accredited,) and also, supposing a salary to be due him, whether it was to be enlarged so as to cover the expenses of educating his family. These points, as has been seen, were answered by Franklin in the negative and by Adams and Lee in the affirmative. In October, 1779, Congress, advised of the difficulties arising under this system, fixed the salary of a minister at £2,500 sterling ($11,111), and that of a secretary of the legation at £1,000 ($4,444). In May, 1784, the salary of ministers was placed at $9,000, and that of secretaries at $3,000. On the old *quantum meruit* standard the average expenses of the commissioners, taking them individually, was about £3,000 sterling (or $13,333).* In one respect the appropriation of Congress for its foreign legations was lavish. Salaries were given to Izard, though he never even visited the country to which he was accredited;† to Dana, though when he got to St. Petersburg he was refused any kind of recognition;‡ to the Lees, though wherever they went they prejudiced the American cause by the indiscretion and indelicacy with which they insisted on a recognition which met with refusals which each new application made more curt and harsh; to William Lee in particular, who was not received by any court to which he presented himself.§ To these legations secretaries were assigned. Even to that extraordinary person Stephen Sayre, who appeared as secretary to Arthur Lee at Berlin at the time of the theft of the legation papers, a salary was afterwards voted by Congress as properly due.‖ The way the salaries of our legations were collected added not a little to their questionable character. No funds, after the blockade stopped the forwarding to France of American produce, were received from America to pay these salaries, and hence they were paid almost exclusively out of funds raised in France; and Vergennes, who was strongly opposed to the sending of ministers to courts who would not assent to their reception, naturally objected to the money furnished by France being wasted in what he considered to be excursions detrimental not merely to the United States but to the allied cause. And then, in addition to this, Franklin, on whom the whole burden of the European negotiations fell,¶ was left practically without help. His colleagues, when he had colleagues, were certainly not assistants. Even when he was sole minister his only secretary was his grandson, a minor, whose only use was that of a copyist and in some subsidiary degree of an accountant. And in addition to this deficiency of assistance in the legation, is to be considered the want of funds for secret service. Of

* See index, titles Salaries, Expenses.
† *Infra*, § 178.
‡ *Infra*, § 169.
§ *Infra*, § 177.
‖ See *infra*, § 194.
¶ *Infra*, §§ 118, 119, 126.

such funds Franklin was destitute, while so lavish had been the enemy's appropriations in this line, that whenever an alleged friend of the American cause, hovering about Paris was found to be open to bribes, these bribes found him out, while, as we learn from the Stormont papers, Franklin was himself watched at every step by British spies. It was from the secret fund system of France that were paid such services of this class as were rendered to the allies.

From delicacy of position to France, growing out of instructions to consult her.

§ 109. The treaty of alliance of February 6, 1778, between France and the United States provided (Art. I) that "if war should break out between France and Great Britain during the continuance of the present war between the United States and England, his majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices, their counsels, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies."

By the eighth article it was provided that "neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war."

On June 15, 1781, Congress, through Huntington, its president, sent the following instructions to Messrs. Adams, Franklin, Jay, Laurens, and Jefferson, ministers plenipotentiary in behalf of the United States to negotiate a treaty of peace:

"You are therefore at liberty to secure the interest of the United States in such a manner as circumstances may direct, and as the state of the belligerent and the disposition of the mediating powers may require. *For this purpose you are to make the most candid and confidential communications upon all subjects to the ministers of our generous ally the king of France; to undertake nothing in the negotiations for peace or truce without their knowledge or concurrence,* and ultimately to govern yourselves by their advice and opinion, endeavoring in your whole conduct to render them sensible how much we rely upon his majesty's influence for effectual aid in everything that may be necessary to the peace, security, and future prosperity of the United States of America."

On May 31, 1782, Congress resolved—

"That the secretary for foreign affairs acquaint the minister plenipotentiary of France that the signal proof of inviolable constancy to his engagements given by his most christian majesty in the answer to the attempts of the British court to seduce him into a separate peace has been received by Congress with the sentiments with which it ought naturally to inspire faithful and affectionate allies, and entirely corresponds with the expectations which the magnanimity and good faith of his past conduct had established. That Congress embrace with particular satisfaction this occasion of renewing to his most christian majesty the assurances which they have so often and so sincerely repeated, of a reciprocal and equal resolution to adhere, in every event, to the principles of the alliance, and to hearken to no propositions of peace which are not perfectly conformable thereto.

"That the insidious steps which the court of London is pursuing render it improb-

able that any propositions conformable to these principles will be made to the United States; but that in case such propositions should be made, Congress will not depart from the measures which they have heretofore taken for preventing delay and for conducting the discussions of them in confidence and in concert with his most christian majesty; and that as Congress observe with the warmest approbation the purpose of his most christian majesty to oppose to the false appearances of peace held out by Great Britain those redoubled efforts which may render her sincerely disposed to it, so his majesty may be persuaded that they are no less impressed with the necessity of such concurrent exertions on the part of the United States as may frustrate the views of the common enemy in the new system which their policy seems to have adopted on this continent."

On August 8, 1782, a motion was made to reconsider this vote, but without success.

On October 4, 1782, Congress resolved unanimously "that they will not enter into any discussion of overtures of pacification but in *confidence* and in *concert* with his most christian majesty," and, to adopt the statement of Secretary Livingston to Congress on March 18, 1783, "directed that a copy of the above resolution be sent to all the ministers of the United States in Europe and published to the world."

That these were the views of Richard H. Lee down to the period of Arthur Lee's quarrel with France appears from the following passage from a letter to Arthur Lee of February 11, 1779:

"As for the noise made about its being said that the United States might make treaty with England with[t] the consent of their Ally if war was not declared-- I do not believe that any one Man of sense, or member ever said or thought any think like it. 'Tis mere pretense. For myself I know that I would sooner cease to live than I would agree in any manner or for any pretext to desert our Ally for whom I feel infinite gratitude and reverence. You know perfectly well how long and how ardently my Soul has panted after this connection with France. Perhaps there was not another man in America so enthusiastically strenuous for the measure as myself. Indeed as Shandy says it was my Hoppy Horse. And now a pack of rascals would insinuate (for their private purposes) that I would injure the measure I have been so uniformly and so warmly promoting." (Lee MSS., Harvard College.)

The efforts of the British ministry to break up the alliance between France and the United States are shown by notes of George III in his correspondence with the United States; by the attempt to bribe Empress Catharine to induce France to abandon the American cause;* by Deane's "intercepted letters," as well as by personal appeal to each party separately.†

Conflict between commissioners at Paris as to those instructions.

§ 110. It was maintained by Franklin that both policy and honor required a frank and friendly discharge of those instructions so as not merely to show full confidence in France, but in all matters of common interest to act on the common policy agreed on with Vergennes. Thus on the critical question of sending ministers to foreign courts Franklin not only consulted Vergennes, but maintained that Vergennes' advice not

* See *supra*, §§ 7, 30. † *Infra*, § 29.

to send until something like a reception should be assured ought to be followed.* But Arthur Lee and Adams not only disagreed with him and overruled him in this, but took the position that France should not only be viewed with distrust, but that she should be made to know that she was so viewed.† When the negotiations for peace came on, the envoys, Franklin, Adams, and Jay, agreed that no definitive peace could be signed without France's assent, but Adams and Jay held that not only could negotiations be carried on with Britain of which France was to have no notice, but that a preliminary peace could be agreed on without such notice, even though it contained an article which was by its terms to be kept secret from France. The discussion of this question, however, must be remanded to another volume, to which, in regard to time, it properly belongs, while the views of Hamilton and Madison as to it have been already noticed.‡ That of Livingston appears in his correspondence.§

In 3 Magazine of American History, 41–43, are two letters from J. Q. Adams to William Jay, from which the following passages are extracted. The first is from a letter under date of August 18, 1832:

"I presume, however, that you have a copy of the diplomatic correspondence recently published by Congress and somewhat incorrectly edited by Mr. Sparks; I mean by the notes with which it is impoverished from the hand of the editor. But in the 10th volume of that compilation, page 129, there is a letter from the then secretary of foreign affairs, Robert R. Livingston, dated 25th of March, 1783, in which he censures severely enough the commissioners for their distrust of the court of Versailles. That letter he sent without submitting it to Congress, but he had submitted the previously received despatches, letters, and journals of the commissioners, giving an account of *their* treaty, before the peace between Great Britain and France had been concluded. The documents from the commissioners, he says, had been read in Congress, then referred back to him for a report, and thereupon he had written to Congress a letter, upon consideration of which *motions were made and debated a whole day*. Then his letter and the motions were committed and a report brought in, which had been two days under consideration, when the arrival of a vessel from Cadiz, with letters from Count D'Estaing and the Marquis de La Fayette, announced the conclusion of the peace, after which many members thought it would be improper to proceed in the report, and (says he) 'in that state it remains, without any express decision. From this you will draw your own inferences. I make no apology for the part I have taken in this business.'

"From the secret journals of Congress it appears that the letters from La Fayette and D'Estaing, announcing the peace, were received by Congress on the 24th of March, only the day before this letter from Mr. Livingston to the commissioners was written. They had immediately superseded all further debate on the report. From the temper of his letter to the commissioners, which he says he intended to have submitted, but which he did not submit to Congress, from the reserved manner with which he speaks of the debates, motions, and reports, which had been left undecided, and

* See *infra*, §§ 120, 124.

† See *infra*, §§ 124, 131, 134, 145, 152.

As to views of Hamilton and Madison on this question, see *supra*, § 4.

As to Adams, see index, title Adams.

‡ See *supra*, § 4.

§ See index, title Livingston.

from his disclaimer of *apology* for the part he had taken in the business, it is to be inferred that he had recommended a vote of censure, but whether it extended to all the commissioners, or had a saving clause for Dr. Franklin, I am unable to say; very certainly it included your father and mine. The reply of the commissioners to Mr. Livingston, dated 27th July, 1783, page 193 of the same volume, and signed by Dr. Franklin as well as by our fathers, was an extinguisher to Mr. Livingston's objections."

The following is from a letter under date of October 20, 1832:

"In the conclusion of the preliminaries of peace with Great Britain in November, 1782, Dr. Franklin concurred with his colleagues by signing the treaty without previous communication of its contents to the Count de Vergennes. To have separated from his colleagues would have been *imprudent;* yet, if the withholding of the information from the French Government had been a breach of good faith, a man, to whom prudence did not embrace the whole duty of man, would have refused to sign and abided the consequences. Franklin signed with his colleagues, but his prudence gave Vergennes to understand that the withholding of the contents of the treaty had not been with his approbation, nor did he suffer his friends in Congress to be ignorant of his private opinions, and hence the effort of Congress to pass a vote of censure upon their commissioners and the petulant letter of their secretary of foreign affairs."

As to the above it is to be remarked as follows: (1) By John Adams it is stated, as we see elsewhere, that the contents of the treaty were communicated to Vergennes, which conflicts with the above recital. (2) There are no letters from Franklin advising "his friends" in Congress as to the position to take on the treaty. But Madison, Hamilton, and Witherspoon, with a majority of members with them, united, as is noted above, in holding that the terms of the treaty of alliance and of the instructions of Congress made it the duty of the commissioners to have conferred, as allies, with Vergennes as to their proceedings. When, however, the treaty of peace, in itself so advantageous, arrived, and when it appeared that France made no official complaint of the action of the commissioners, and was even ready to make a new loan to the United States, then Livingston, Madison, and Hamilton concurred in holding that no vote of censure should be passed.

Instructions not in themselves extraordinary.

§ 111. By Jay, than whom there could not be found a man of higher conscientiousness or more delicate sense of honor, it was held that so far as these instructions implied the subjection of the American envoys to the court of France, they imposed a degrading submission which no high-spirited nation ought to impose on its envoys.* But, on the other hand, so far as the instructions require consultation with the French Government as to peace propositions and the assent of that government to any definitive peace, it may now well be argued that such conditions are not only consistent with the reciprocal independence of the contracting sovereigns, but that they are the essential incidents of all treaties for joint wars. Thus in the treaty of March 10, 1854, between France, Great Britain, and Tur-

* See Hamilton as to Jay's attitude, *supra*, § 4.

key, the high contracting parties agreed to communicate to each other, without lapse of time, all propositions they might receive from Russia, directly or indirectly, in view of cessation of hostilities, of armistice, or of peace, while Turkey was not to conclude peace without the assent of both contracting powers; while by the treaty of April 10, 1854, France and Great Britain * engaged to receive no overtures tending to the cessation of hostilities, and to enter into no engagement with the Russian court without having deliberated in common. †

It so happened that in 1855 there were strong temptations to induce France to receive separate proposals from Russia. In 1854, as was said by Drouyn de l'Huys to the French ambassador at London, the war had been half military, half naval, in which the two powers took about an equal share. When, however, Sebastopol fell, the war, if continued, would become continental, in which case the burden would fall mainly on France. France, therefore, naturally claimed, if such should be determined to be the policy of the allies, some compensation for the unequal burden thus thrown on her; and as such compensation she suggested the restoration of Poland. This proposition, however, was not even intimated to Russia; it was made exclusively and confidentially to the English ministry; and by both England and France it was agreed that under the treaty neither could make separate advances to Russia, and that any advances which Russia should, directly or indirectly, make to the one should be forthwith communicated to the other, to be deliberated on in common. It was not only never intimated that this mutual pledge to entertain peace propositions in common placed either party in a dishonorable vassalage to the other, but the agreement was con-

* 1 Kinglake's Crimean War, 466. The treaties are given in full in 6 De Clercq's Collection, 422.

† In Lane-Poole's Life of Stratford Canning (2, 433, London, 1888), the biographer says:

"To treat separately for peace was expressly prohibited by the treaty of alliance; yet at the close of 1855 the emperor of the French was in secret communications with the son-in-law of the Russian chancellor, and their purport was treasonable to England. Satisfied with the half successes of the siege, Louis Napoleon was now as anxious for peace as he formerly had been eager for military glory. All the plans for the coming campaign were thrown over, and after a while the secret negotiations bore fruit in Russia's acceptance of an ultimatum. Plenipotentiaries were summoned to Paris, where Lord Clarendon soon discovered that England stood alone."

Yet, even assuming that there were these prior secret conferences between the French court and a Russian emissary, the terms of peace were discussed by the allies jointly, and England assented to them in conference before they were pressed on Russia. There was no settlement of terms between the envoys of one ally and the common enemy. No doubt each ally had his own method of sounding the enemy; such, in all allied belligerency, is necessarily the case. It is not unlikely also that Louis Napoleon, having got all he wanted in the way of glory from the war, was more anxious to close it, unprofitable as it was, than was England, which had down to this period played an inferior part. But the terms of peace, as finally agreed on, were discussed jointly and with great fullness, and, no matter what were the inducements that operated on the allies severally, they were the results of their common deliberations.

sidered as an essential incident of all alliances of belligerency, and was held by them to be an engagement of honor, the breach of which would have been disgraceful.*

We may therefore properly hold that while, in case of want of good faith being shown by France to the United States, the United States envoys would have been justified in taking independent measures to protect their rights, yet, in default of such proof, which to hold good in such a case should have been communicated to France to await her reply, it was the duty of the envoys of the United States to proceed in peace negotiations in concert with France. The radical difference between Franklin and his colleagues was in the question of *trust.* Franklin saw no reason to distrust the fidelity of France at any time to her engagements to the United States during the revolutionary war. His colleagues did not share this confidence, and yet, while impressed by this distrust of their ally, they made no appeal for explanation. The weight of opinion, as will hereafter be more fully seen, is now that Franklin was right, and they in this respect wrong. But whatever may have been the correctness of their view, it was proper that, before making it the basis of their throwing off the burden of treaty obligation and their own instructions, they should have first notified France of their complaint. Obligations cannot be repudiated by one party on the ground of the failure of the other party to perform some condition imposed on him, without giving him notice of the charge against him, so that he could have the opportunity of explanation.†

It may be added, on the merits, that the extenuation set up by Jay and Adams, that France was herself untrue to her obligations, however honestly they believed it, can not now be sustained. Livingston, who

* See 2 Diplomatic Study of Crimean War (Russian official publication), 340. As indicating the view above taken, see Livingston to Jay, Dec. 30, 1782, Jan. 4, 1783.

† The American envoys were not to blame for such informal conversations with English agents as was a necessary incident of their position. But supposing that the formal negotiations were kept secret from France, the precedent was a bad one not merely from its want of good faith, but for its uselessness. From the nature of things Vergennes must have known the general character of the terms to which the negotiation was tending; and, if we are to take John Adams' statement to that effect literally, these terms were actually communicated. Vergennes must have been at least informally notified of them. If so, he could at that time have stopped the negotiation by a resolute protest. But that he was willing to assent to these terms, though from his relation to Spain he could not initiate them, is shown by the fact that not only did he, after the preliminaries were disclosed to him, make a new loan to the United States, but he refused to come to final terms with England until the American preliminaries were accepted as a definite peace. How far and in what way he was informed of the American peace negotiations of 1782 is a question which is still open. But if the negotiations were purposely kept secret from him without his desire that they should be, it is difficult to defend the American negotiators in this respect when charged with want of compliance with their treaty obligation to France. As to the distrust of France felt by Arthur Lee and Adams, see index, titles Arthur Lee, Adams, and Franklin; and see *infra*, §§ 131 *ff.*, 145, 148.

knew more of the attitude of France than any public man on the American side except Franklin, swept it aside as groundless. Edward Everett, one of the most accomplished historical writers and diplomatists the country has ever produced, speaks, as we shall see, to the same effect, and other historical critics of authority, to be also hereafter cited, give us the same conclusion. Yet there are other reasons which may excuse their course, and that of Franklin, who concurred with them rather than defeat a peace. In the first place, such was their isolation, that their means of communication with Congress was stopped; and they might well have argued that if Congress knew that the English envoys refused to treat with them except in secret conference their instructions would have been modified. In the second place, we may accept Adams' statement that Vergennes was from time to time informally advised of the nature of the pending propositions. In the third place, the articles agreed on in 1782 were not to be a definite treaty except with the assent of France.

CHAPTER X.

FRANKLIN.

His appointment.

§ 112. Franklin was seventy years old when he was elected, on September 27, 1776, commissioner to France. The election was unanimous and on the first ballot. It was then that he made to Dr. Rush, who sat near him, this remark: "I am old and good for nothing; but as the store-keepers say of their remnants of cloth, I am but a fag end, and you may have me for what you please to give." Jefferson was elected on the next ballot but declined, and then after some delay followed the elections of Silas Deane and then of Arthur Lee, both Deane and Lee being then in Europe. Several years afterwards in one of his informal letters he again compared himself to a remnant of cloth, but in another relation.* He said whatever the remnant was worth belonged to his country and had but little value to himself. He suffered greatly during his voyage to enter on his mission; from time to time during the remainder of his life he was tortured by gout and stone. But it is a consolation to those who are old and sick to feel that it was not until his seventieth year, when subject to cruel diseases that grew on him, that Franklin entered on a diplomatic career which surpasses all others in its permanent results of good.

His probity and courage.

§ 113. Before Franklin left for France he placed in the hands of Congress, then in dire necessity for want of money, all his available funds, knowing that if the cause failed his loan failed with it.† His salary when sustaining the burden of the momentous negotiations with France and England was the same as that of the other American envoys, among whom was Izard, who speaks of himself as a man of fortune, but who never even visited the court to

* *Infra*, Franklin to Hartley, April 23, 1778, noticed in next section.

† In explaining to Ingenhousz, on Feb. 11, 1788, the fall in American securities, Franklin thus writes: "Such certificates are low in value at present, but we hope and believe they will succeed when our new projected Constitution is established. I lent to the old Congress three thousand pounds in the value of hard money and took their certificates, promising interest at six per cent., but I have received no interest for several years, and if I were now to sell the principal I could not get more than a sixth part. You must not ascribe this to want of honesty in our government, but to want of ability, the war having exhausted all the faculties of the country. The public funds even of Great Britain sunk by the war the three per cents from 95 to 54." (9 Franklin Papers, Bigelow's ed., 456.)

which he was accredited. And unscrupulous and energetic as was the industry with which Franklin's private life during his stay in France was scanned, and carefully as were his entire accounts in the subsequent investigations overhauled, not one single instance of mismanagement of public money was traced to him. Not himself a trained accountant, with immense public business in his hands, he had kept for years the most complicated accounts with a fidelity which, when he gave up his stewardship, showed that he not only had been conscientiously faithful, but strictly accurate, in the discharge of business trusts foreign to his diplomatic duties and uncongenial to his habits.

Of the charges against him in this relation Sparks thus speaks in an article in the North American Review for April, 1830 (vol. 30, p. 508):

"When Mr. William Lee (who was then the chief commercial agent at Nantes) was about going to Prussia, he proposed to appoint Mr. Williams to be a permanent agent. Dr. Franklin wrote to him in reply as follows: 'Your proposition about appointing agents in the ports shall be laid before the commissioners when they meet. In the mean time I can only say that as to my nephew, Mr. Williams, though I have from long knowledge and experience of him a high opinion of his abilities, activity, and integrity, *I will have no hand in his appointment or in approving it, not being desirous of his being in any way concerned in that business.*' And yet we are called on to believe that his holding the appointment was a scheme of Dr. Franklin's to give him a chance to grow rich out of the public money.

"Again, he repeatedly urged Congress to relieve him from the burden of the mercantile business in the management of which nearly all the expenditures of the money that passed through his hands were made. 'The trouble and vexation,' he says, 'which these maritime affairs give me are inconceivable. I have often expressed to Congress my wish to be relieved from them and that some person better acquainted with them and better situated might be appointed to manage them. Much money as well as time would, I am sure, be saved by such an appointment.' On several occasions he reiterated earnestly the same request; that is, desired Congress to take out of his hands the very means which his enemies have asserted him to have been eager in retaining for the purpose of advancing his private ends at the expense of his integrity. These facts require no comment."

After noticing the "lost million" episode, Sparks goes on to say:

"Lastly, it has been often said, and is sometimes repeated at this day, that Dr. Franklin never settled his public accounts. In its spirit and purport this assertion is essentially false. Some months before Dr. Franklin left France, Mr. Barclay, the American consul to that country, arrived there with full power and authority from Congress to liquidate and settle the accounts of all persons in Europe who had been intrusted with the expenditure of the public money of the United States. Under this authority he examined methodically the entire mass of Dr. Franklin's accounts. The difference between the result of his investigation and the statement of Dr. Franklin was seven sols, or about six cents, which by mistake the doctor had overcharged."

The following letter shows Franklin's position as to his accounts after his arrival in Philadelphia:

*Franklin to the President of Congress.**

"PHILADELPHIA, *November* 29, 1788.

"DEAR SIR: When I had the honor of being the minister of the United States at the court of France, Mr. Barclay, arriving there brought me the following resolution of Congress:

* 2 Sparks' Dip. Rev. Corr., 530.

"'*Resolved*, That a commissioner be appointed by Congress, with full power and authority to liquidate and *finally to settle* the accounts of all the servants of the United States who have been intrusted with the expenditure of public money in Europe, and to commence and prosecute such suits, causes, and actions, as may be necessary for that purpose, or for the recovery of any property of the said United States in the hands of any person or persons whatsoever.

"'That the said commissioner be authorized to appoint one or more clerks, with such an allowance as he may think reasonable.

"'That the said commissioner and clerks, respectively, take an oath before some person duly authorized to administer an oath, faithfully to execute the trust reposed in them respectively.

"'Congress proceeded to the election of a commissioner; and ballots being taken, Mr. T. Barclay was elected.'

"In pursuance of this resolution, and as soon as Mr. Barclay was at leisure from more pressing business, I rendered to him all my accounts, which he examined and stated methodically. By his statement he found a balance due me on the 4th of May, 1785, of 7,533 livres 19 sols 3 den., which I accordingly received of the Congress banker; the difference between my statement and his being only seven sols, which by mistake I had overcharged—about three pence halfpenny sterling.

"At my request, however, the accounts were left open for the consideration of Congress, and not finally settled, there being some articles on which I desired their judgment, and having some equitable demands, as I thought them, for extra services, which he had not conceived himself empowered to allow, and therefore I did not put them in my account. He transmitted the accounts to Congress, and had advice of their being received. On my arrival at Philadelphia one of the first things I did was to dispatch my grandson, William T. Franklin, to New York, to obtain a final settlement of those accounts; he having long acted as my secretary, and being well acquainted with the transactions, was able to give an explanation of the articles that might seem to require explaining, if any such there were. He returned without effecting the settlement, being told that it could not be made till the arrival of some documents expected from France. What those documents were I have not been informed, nor can I readily conceive, as all the vouchers existing there had been examined by Mr. Barclay; and I, having been immediately after my arrival engaged in the public business of this State, waited in expectation of hearing from Congress, in case any part of my accounts had been objected to.

"It is now more than three years that those accounts have been before that honorable body, and to this day no notice of any such objection has been communicated to me. But reports have for some time past been circulated here, and propagated in the newspapers, that I am greatly indebted to the United States for large sums that had been put into my hands, and that I avoid a settlement. This, together with the little time one of my age may expect to live, makes it necessary for me to request earnestly, which I hereby do, that the Congress would be pleased, without further delay, to examine those accounts; and if they find therein any article or articles which they do not understand or approve, that they would cause me to be acquainted with the same, that I may have an opportunity of offering such explanations or reasons in support of them as may be in my power, and then that the accounts may be finally closed.

"I hope the Congress will soon be able to attend to this business for the satisfaction of the public, as well as in condescension to my request. In the mean time, if there be no impropriety in it, I would desire that this letter, together with another relating to the same subject, the copy of which is hereto annexed, may be put upon their minutes.

"With every sentiment of respect and duty to Congress, I am, sir, &c.,

"B. FRANKLIN."

His courage never sank, no matter how great were the surrenders he had to make, or how dark might be the future.

When Hartley advised him, "if tempestuous times should come, take care of your own safety, events are troublesome and men may be capricious," the answer was, "I thank you for your kind caution, but having nearly finished a long life, I set but little value on what remains of it. Perhaps the best use such an old fellow can be put to is to make a martyr of him."*

Hartley seems to have taken much credit to himself for this correspondence. Hutchinson thus writes on July 17, 1779:

"Mr. Bastard said to me to-day that Hartley the member told him that * * * in a note to Franklin he advised him to take care of himself. Franklin sent him an answer, that the caution brought to his mind the common language of a mercer, 'It is only a remnant, and therefore of little value.'" (2 Hutchinson's Diary, 268.)

His determination to maintain the cause in which he was embarked rose with the difficulties in its way. His attitude as to other lines of solicitation is illustrated in his letter to Wessenstein of July 1, 1778, as explained in the notes to that letter.

Of Franklin's life no one was a more competent or closer observer than Washington, and to Franklin, on September 25, 1785, shortly after his return to America, he wrote as follows:

"Amid the public gratulations on your safe return to America after a long absence, and the many eminent services you have rendered it, * * * permit an individual to join the public voice in expressing a sense of them, and to assure you that as no one entertains more respect for your character, so no one can salute you with more sincerity or with greater pleasure than I do on this occasion." (9 Franklin Papers, Bigelow's ed., 264.)

And shortly before Franklin's death Washington thus addressed him:

"If to be venerated for benevolence, if to be admired for talents, if to be esteemed for patriotism, if to be beloved for philanthropy, can gratify the human mind, you must have the pleasing consolation to know that you have not lived in vain. And I flatter myself that it will not be ranked among the least grateful occurrences of your life to be assured that, so long as I retain my memory, you will be recollected with respect, veneration, and affection by your sincere friend." (10 Franklin Papers, Bigelow's ed., 149.)

High intellectual gifts.

§ 114. Franklin is spoken of by Matthew Arnold as "a man who was the very incarnation of sanity and clear sense, a man the most considerable, it seems to me, whom America has yet produced." No American would assent to the last statement so far as concerns Washington; and, putting Washington aside, there are some who, on the question as to the "most considerable man," would postpone him to Hamilton, some who would postpone him to Jefferson. But be this as it may, we may without hesitation say that to sagacity which has rarely been equaled, to a fairness of judgment and equanimity of temper which neither flattery nor animosity could swerve, to a perception of the conditions of the times which en-

* Letter of April 23, 1778, *supra*.

abled him best to utilize them for his country, he brought to the Revolution an administrative experience far greater than any man in the United States. There are few points of political or economical action as to which his judgment was not sound; there is no question as to which we can look upon him, at least in his later years, as influenced by ambition, or at any time of his life by fear or by greed. When he sailed for France in 1776, repose in the nature of things would have been his principal desire, and, as essential to that repose, peace in the political world. Of his tender attachment to England there can be no question. From England he had received, with one bitter denunciation, many honors and kindnesses. His son, to whom he was much attached, was a strong loyalist and royal governor of New Jersey. But in Franklin's judgment it was essential to freedom and to ultimate peace that the English yoke should be cast off, and though he abhorred war, yet he maintained that war should be waged until independence was secured. He devoted, with perfect courage, the remainder of his life to the work. He ran the risk of capture at sea. He repelled every inducement held out to him from England to give up France and to enter into relations with England, which would give the United States independence in everything but name. He seems never even to have contemplated these inducements, but he persevered in his course until a peace was agreed on which gave his country more than any dispassionate observer would have held it at the time possible to obtain.

The following volumes contain the letters written by him in this cause. It is questionable whether any diplomatic papers equal to them exist. They do not give, it is true, the exhaustive views of local politics which are to be found in Jay's letters from Spain, nor the elaborate summaries of European news to be found in the letters of Adams from Holland. They have not the element of gossip which made Malmesbury's Russian letters so entertaining, nor do they indulge in a rhetoric so majestic as that we meet in some instances in the papers of Webster. But for fitness for the purpose for which they were written, it may be questioned whether, taking them as a body, there are any diplomatic papers equal to them. They have nothing of what is called the diplomatic style, the "availing myself again of the opportunity to renew," etc., formularies of the mechanical diplomatist. But they are terse, simple, full of tact, always persuasive, always just in tone, always presenting the right reasons for what is asked or the right explanations for what is to be defended. And they abound in those epigrammatical expressions of duty as remarkable for wisdom as for wit, the authorship of which, taking all his publications together, have made Franklin of all men the one to whom proverbial philosophy in its best sense owes most.

Knowledge of existing political conditions.

§ 115. Of all men in public life Franklin was the most familiar, when he came to France as envoy, with the political conditions with which he had to deal. As postmaster-

general he had traversed every inhabited section of the United States. He had been prominent in Pennsylvania politics for forty years, during which period he had been concerned in the various projects which were framed for alliance between the Colonies. He had been largely concerned in the raising and forwarding of men and supplies for the campaigns against France on the American shores, and to his sagacity and patriotism was largely due the success of those campaigns. Nor were his efforts confined to America. He had been agent for Pennsylvania, Massachusetts, New Jersey, and Georgia in England for a series of years. Perhaps there was no living man so familiar with and observant of English politics as was Franklin at the time when he left England finally in 1775. To France also his keen powers of observation and analysis were turned first as an antagonist during the war in which the Colonies joined with England against her, then as a visitor when he went to Paris in 1767 as an honored guest, then as an expectant ally when he went again to Paris in 1776.

Franklin's position in 1767–'68 is thus described by De Witt:

"His patriotism was as complicated as his functions. The agent of Georgia, New Jersey, and Pennsylvania in London, and at the head of the general post-office in America, he was at one and the same time a representative of colonial discontent and an English official; there was a moment when there was even a question of appointing him undersecretary of state for the Colonies, then filled by Lord Hillsborough, and he showed himself quite ready to accept this post conformably to his triple maxim, 'Never to ask a place, never to refuse a place, and never to resign one!' By position, therefore, he was an almost impartial intermediary between England and America, a peacemaker as tenacious as far-sighted, whose daily attempts at success in no degree trammeled his liberty of thought, and whose melancholy anticipations were unable to relax his perseverance. This was one of the great marks of his superiority; he could see in the future and live in the present. The separation he expected might probably be still remote; why should he not, while laboring to avoid it now, facilitate its progress and prolong the peace of the world." (De Witt's Jefferson, 59.)

A liberal constructionist.

§ 116. It has already been said that Franklin, as between the two schools of revolutionary statesmen, the "liberatives" on the one side and the "constructives" on the other, was eminently a "constructive."* Reorganization with him was a necessary element of destruction; he never sought to pull down a political edifice without speculating what he should put in its place. We have this strikingly illustrated in the aversion he showed in England to Wilkes, whom he regarded as a mere destructive, without any plans for future good government; and to this aversion may be in part traced the antagonisms between himself and the Wilkes school, as hereafter noticed. But here again a subdistinction is to be observed. Those engaged in a work of political republican construction fall themselves into two classes, those who would impose on the people a fixed code of unchangeable laws, and those who, after laying down a general republican constitution, leave the imposition of such laws as are neces-

* See *supra*, §§ 82 *ff.*, 4.

sarily fluctuating to be determined by popular conscience and polity as moulded by the condition of the times, and trusting far more to a creation of a right public conscience in matters of detail than to the force of prior absolute legislation. Of the latter school was Franklin, as the correspondence that follows abundantly shows. He was opposed to issuing paper money beyond the limit of the probable capacity of the country to redeem, and he was in favor of taxation to the utmost extent of the country to bear; yet in pressing this position on Congress through Morris he dwelt much more on the necessity of raising a right public sentiment as to debt paying than on the wisdom of any merely legislative action. He urged great economy in private life, and particularly the non-purchase of luxuries, but he objected to the system of sumptuary laws proposed by some of his colleagues. This same distinction was exhibited in 1777–'78 in our discussion with France as to the treaty of commerce then under consideration. West Indian molasses was then an article of great importance to New England, and a fear was felt that France, influenced by her colonists, at some moment of irritation might restrict its exportation. This danger Deane, a Connecticut man, expressed himself as feeling very keenly, and Franklin therefore proposed that France should bind herself not to impose in future any such restrictions. This, however, required some correlative restriction on the United States, and Franklin at once agreed to insert a clause binding the United States to impose no export duties on articles going to France, defending the clause not as a *quid pro quo*, but as the expression of a sound principle of political economy, that freedom of commerce should not be impaired by restrictions on exports of any kind whatsoever.*

In the negotiating of the same treaty as well as of subsequent treaties in which Franklin was concerned, the rule that free ships make free goods was affirmed; the privileges of privateers placed under specific limitations; the liberty for either party to trade with a nation at war with the other asserted; contraband goods so specified as to prevent the undue extension of the disability; reciprocal municipal rights assured to the subjects of the contracting parties; the right of search restricted; and sea-letters made the basis of international protection, irrespective of municipal legislation. Though a belligerent, he strove uniformly for the protection of neutral rights, neutrality being the condition which he held should receive every construction of international law in its favor; though representing a country which had every opportunity and temptation to retaliate for the cruelties to which it was subjected under the guise of war, he did his best to establish a humane system of war, restraining its horrors and mitigating the discomforts of prisoners.† Thus while a "constructive" revolutionist, seeking to establish a new system in the place of the old he desired to set aside,

* *Supra*, § 46. † See, as to Franklin's position in this relation, *supra*, § 4.

the system which he sought to establish was one of liberty so far as consistent with the necessary prerogatives of the State. Probably in matters domestic his views of government found their best expression in the Constitution of the United States which he assisted in framing. It was to his sagacity and influence that we owe that compromise which represented the States in the Senate equally, and in the House in proportion to their population, by the adoption of which the Constitution was saved.

Franklin, in his striking comparison of the Jews and anti-Federalists,* which he issued when the federal Constitution was in discussion in Pennsylvania, took strong ground in favor of the *jure divino* necessity not of any particular government, but of some government by which liberty would be made secure; and the federal Constitution offering such security, he urged that it should not be defeated merely on account of the popular opposition to it. Such opposition he held should be looked on with suspicion when stimulated by men personally interested in merely local offices. We must at the same time remember that Franklin was a strong advocate of the *laissez faire* doctrine of political economy, and that the system he advocated was one which was to protect all lawful action of individuals free from government interference, and in which government was to do nothing for the people which the people could do for themselves.

Alleged failure to appeal to high principle.

§ 117. But though thus making the morals and economies of private life to depend not upon legislation, but upon the conscience of individuals, Franklin's system may be regarded as defective in its want of appeal to the sanction of divine righteousness and justice. He bases his arguments in favor of frugality and industry and integrity and duty to the State, even of humanity in war as well as in peace, mainly on policy, though as to outrages in war we find him constantly invoking that sense of right which he regards as inherent in the human breast. Yet, while such was the case, we notice in him none of those appeals to a divine authority, the source of this sense of right, which adds such a glow and solemnity to the Declaration of Independence, to Chatham's speeches on the American war, to Webster's speeches on the Union; nor do we find any recognition of the sublime in political conception such as we meet with in the later publications of Burke. It is impossible also not to feel that so far as concerns the inculcation of the duties of economy and morality Frank-

* "On the whole, it appears that the Israelites were *a people jealous of their newly acquired liberty*, which jealousy was in itself no fault, but when they suffered it to be worked upon by artful men, pretending public good with nothing really in view but private interest, they were led to oppose the establishment of the new Constitution, whereby they brought upon themselves much inconvenience and misfortune. * * * Popular opposition to a public measure is no proof of its impropriety even though the opposition be excited and headed by men of distinction." (9 Franklin Papers, Bigelow's ed., 438.)

lin too closely restricts himself to his own country. When he addressed advice of this class to Morris as a basis on which the financial system of the United States was to rest he was living in Paris, in a scene where great purity and highmindedness on the part of the king, and great conscientiousness and courtesy on the part of Vergennes, were in painful contrast with the dissoluteness and profligacy of the nobility, and the gross oppression of the people as a mass. It is true that in shutting his eyes to such a spectacle, or at least declining to comment on it, he was following one of his own maxims, that that would be a clean town in which every one swept before his own door. Yet here was a cause in which all humanity was interested, and here was a nation whose hospitality Franklin was enjoying to an eminent degree, and here were flagrant violations of sound economy such as he would have vigorously warred against in his own land, and here was the rumbling underneath of a volcano of which it is hard to think that his exquisite perception could have been unconscious. It is at this point that he stands inferior to Jay, who when with him in Paris was so profoundly impressed with a consciousness of the perilous immorality of what was called society, with the recklessness with which domestic politics were managed, and with the mutterings of a storm which he could hear approach. Yet, deficient as may have been Franklin in the sense of the sublime in politics and in a cosmopolitan conception of political duty and in the recognition in his papers at this period of the Divine sanction, it must be remembered that it was from him that proceeded, on June 28, 1787, when the Constitutional Convention had been for more than two months occupied unavailingly with the question of State representation, the following resolution:

"That henceforth prayers, imploring the assistance of Heaven and its blessings, be held in this assembly every morning before we proceed to business; and that one or more of the clergy of this city be requested to officiate in that service."

In the course of his remarks on this resolution he said:

"In this situation of this assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, sir, that we have not hitherto once thought of applying to the Father of Lights to illuminate our understandings? In the beginning of the contest with Britain, when we were sensible of danger, we had daily prayers in this room for the Divine protection! Our prayers, sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful Friend? Or do we imagine we no longer need its assistance? I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth, *that* GOD *governs in the affairs of men!* And if a sparrow can not fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, sir, in the sacred writings that 'except the Lord build the house, they labor in vain that build it.' I firmly believe this, and I also believe that without His concurring aid we shall succeed in this political building no better than the builders of Babel; we shall be divided by our little, partial,

local interests, our projects will be confounded, and we ourselves shall become a reproach and a by-word down to future ages. And, what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing government by human wisdom, and leave it to chance, war, and conquest." (9 Franklin Papers, Bigelow's ed., 429.)

Such were Franklin's maturest views after a retrospect of the revolutionary struggle in which he took so important a part. And it may be possible to join the utilitarian basis of his political economy with these later views in the same way that Paley reconciled his theism with his utilitarianism, "Honesty is the best policy, because whatever in the long run succeeds must be right, while the misery attending wrong is a proof that it is a violation of the Divine law." Nor can it be maintained that Franklin sacrificed principle to what was temporarily politic. In several matters he pertinaciously contended for what he considered "right principle against the immediate policy of the United States. He strenuously objected to privateering, and this against not merely the prevalent sentiment, but the unquestionable policy of the United States. He opposed a navigation law, at a time when the temper of the people of the United States was roused to bitter retaliation by the order of council issued by the coalition ministry. He resisted the Fox scheme of recognition of independence as an insulated act, popular as that scheme was in the United States. And against the tenor of home advices and in antagonism to France, by whose political atmosphere he was surrounded, he insisted on the title of the United States to the Mississippi."*

In a letter from Franklin to Paine (date uncertain), Paine's skeptical views are vigorously controverted, and it is said:

"By the argument it contains against a particular Providence, though you allow a general Providence, you strike at the foundations of all religion." (9 Franklin Papers, Bigelow's ed., 354.)

Immense business done by him.

§ 118. Franklin's work in Paris can not be properly estimated without considering the administrative forces to which he was opposed. Europe was the center of action; it was in Europe that funds for carrying on the war were to be raised; it was in Europe that supplies for the armies of the United States were mainly to be obtained; it was in Europe that, in view of the impossibility of prompt communication with Congress, the diplomacy of the Revolution was to be moulded; it was in the ports of France, of Spain, of Holland, that American privateers were fitted out, and to them that they brought back their prizes; it was in Europe that all admiralty questions relative to the United States were to be determined; it was in Europe also that the naval operations of these privateers were to be planned out. It was by Franklin alone that these various functions were exercised. When we examine the following pages we shall find that on his arrival in Europe until at least the treaty of peace he conducted almost exclusively the financial operations of the United States

* 3 Dig. Int. Law, 2 ed., p. 921.

in Europe; that through him alone were loans obtained and to his hands alone were they paid. The exhaustion of the home resources of Congress, which became complete in 1781, made it necessary to go abroad for aid, and it soon became plain that from France alone could aid come. No non-belligerent power would voluntarily forfeit the great commercial advantages of neutrality by advancing funds to America when such supply would be at once followed by a declaration of war by Britain. Hence it was on Franklin alone, as the sole American minister with whom France would treat, that Congress was obliged to rely for payment of the innumerable bills it drew on Europe; and though they were directed sometimes to Jay, sometimes to Adams, sometimes to Laurens, yet on Franklin, and through him on France, was the appeal to be ultimately made. Franklin, therefore, was in 1781 and 1782 European fiscal agent of Congress, on whom it was obliged almost exclusively to rely for funds. In addition to these diplomatic and financial functions, which put him in the position of a secretary of state and of a secretary of the treasury, he had to exercise the functions of a secretary of war in the selection and forwarding supplies, of a secretary of the navy in supervising the fitting out and regulation of privateers numerous enough to scour all the European waters, and of a supreme admiralty judge in determining prize questions in which these privateers were concerned and in adjusting the almost innumerable controversies in which those concerned in these privateers were engaged.* And it was on Franklin alone that fell the enormous labor of keeping the accounts connected with these various departments of administration.

The functions thus exercised by Franklin were of the same general character as those which in England are exercised by the chancellor of the exchequer, the secretaries for foreign affairs, the admiralty board, the war secretaries, and the courts of admiralty. Each of these departments of the British ministry was at that time furnished not merely with competent secretaries, but the heads of departments were in the habit of free conference with associates who from political necessity were their political friends. But Franklin's own secretary was his grandson, who, however good he might be as a copyist, could not draft a paper. And during a part of the period in which he was burdened with these immense responsibilities he had with him colleagues who were ready to overrule him in all matters that were in their power. Thus in 1778 Arthur Lee and Adams removed from the agency at Nantes Jonathan Williams, to whose eminent public services and great capacity reference will be hereafter made,† and put at the head of that agency, with disastrous consequences, William Lee, with a younger member of the Lee family as associate. This action, when Franklin found a majority was against him, he acquiesced in for the sake of peace; and

* As an illustration of this may be noticed the correspondence in the index under the titles Jones and Landais.

† *Infra*, § 186 *ff.*

so it was as to other matters which his colleagues had within their power. But on the great question of the foreign relations of the United States, it made no matter whether he was alone or surrounded by unfriendly colleagues; it was only through him that negotiations could be carried on with France, for to him alone could the French Government commit itself with the consciousness that the enormous confidences reposed in him would be honorably guarded.

Neither indolent nor dissipated.

§ 119. Among the charges addressed by Arthur Lee and Izard to Congress, as given in the following pages,* are those not merely of idleness, but of gross dissipation. Even in a letter of December 7, 1778, from John Adams to Samuel Adams, then a leading member of Congress, we have the following: "I know also, and it is necessary you should be informed, that he is overwhelmed with a correspondence from all quarters, *mostly on trifling subjects, and in a more trifling style;* and with unmeaning visits from multitudes of people, chiefly from the vanity of having it to say that they have seen him. There is another thing which I am obliged to mention; there are so many private families, ladies and gentlemen, that he visits so often, and they are so fond of him, that he can not well avoid it, and so much intercourse with academicians, that all these things together keep his mind in a constant state of dissipation."† If Samuel Adams, whose austere soul was naturally shocked by such a narrative as the above, had read Franklin's private correspondence, as we are now able to do, he would have been able to relieve himself from the unfavorable impressions of Franklin which this letter produced, since there is no public man whose correspondence on business is fuller and more thorough than that preserved of Franklin; nor can a letter written by him on matters outside of business be spoken of as without weight. Franklin's letter-book, now deposited in the Department of State, not only contains no such "trifling" letters, but it includes a mass of letters so pregnant, so elaborate, so exact on matters of business—of domestic policy, of diplomacy, of admiralty, sometimes of physical science and literature—as to exclude the idea that there could have been another set of letters of the "trifling" type issuing from the same pen. There can be no question, also, that Adams more or less fully received as true the charge of sexual immorality made against Franklin by Arthur Lee. Yet we have a right, in view of Franklin's age, the maladies under which he was suffering, the immense load of business resting on him, to conclude that this charge of immorality is as unfounded as the charge of keeping up a "trifling" correspondence. It so happens that we have in Stormont's correspondence with Weymouth, during the period when Stormont and Franklin were in Paris, quite an accurate statement of Franklin's

* See index, title Arthur Lee, Izard, Franklin.

† 1 Hale's Franklin in France, 229; 9 Mag. of Amer. History, 467.

evening engagements in Paris. Often Franklin dined out; on Sunday he always, when well, had company at home. But there were certain secret and well-masked engagements to account for which much puzzled his suspicious colleagues. Stormont reports that his spies penetrated through even this disguise, and that the evening engagements to which so much mystery had been attached were "assignations" to meet Vergennes or his confidential agents.* Before the eyes of Arthur Lee the curtain may have been drawn more closely from the fact that the distrust felt towards him by the French Government was such as to make them unwilling that he should be acquainted with their secret plans. As to the charge of undue conviviality, we may remember Lord Palmerston's statement, when examined before a committee of the House of Commons on diplomatic expenses, that conversations which end in beneficent treaties are more likely to be begun, and professional or national acerbities to be removed, in social intercourse than in any other way. And, however this may be, so far from undue conviviality being chargeable on Franklin, there can be no question that he did more by the grace and benignity of his manners, his freedom from egotism and his wonderful skill in presenting what he wanted to say in the most homely and winning shape, when these gifts were exercised in conversation, than he could have done if he had exercised them exclusively in writing.

Arthur Lee's reports to Congress as to Franklin's dissipated habits were probably based on information derived by him from Thornton, his private secretary, a British spy, one of whose duties, prescribed by his British principals, seems to have been to bear to Arthur Lee any rumors, true or false, which might tend to injure Franklin, and in this way to impair Franklin's influence.

Among the papers thus given by Thornton to Arthur Lee, and deposited for safe-keeping among the Lee papers in the University of Virginia, is a memorandum of January 8, 1778, marked No. 120, in which the "wife of Ogg, Lord Stormont's courier," is quoted as having given a not very decorous construction to Franklin's evening visits. Yet Lord Stormont himself, as we elsewhere have seen,† reports their visits as political, not social.

Still more characteristic is the following, which appears among the Lee papers at Harvard College:

"LONDON, *May 7th*, 1778.

"You have a list of the fleet which is ordered to sail the 11th & to proceed to America, those ships are completely manned. I got the names & the day of their sailing from R.'s Lady; she could not tell me no other name than a Madame Lamberty, who lives in Paris & an intimate of Dr. Franklin's intimate—that Lord Stormond had got several intelligence from her while the treaty was in agitation & had had several of the articles as well as many papers, but what surprises me more, she told me of the reason you were so soon acknowledged & repeated verbatim what Mr. R. had told her. she has brought me some letters directed to Mr. R. but no name—vizt 'That Capt. Jones had in view to strike a stroke against the Enemy that might be greatly

* Thus "Gerard goes to Passy in the night, and Franklin and Deane make Vergennes nightly visits at Versailles." (Stormont to Weymouth, Sparks Papers, Harvard College, vol. 89.)

† *Supra*, § 119.

to their Dammage, but in its nature not probably profitable to his Ships Company, unless some reward be received from Congress adequate to its service. That in case that the good and gallant behavior of the people under his Command of their punctual obedience to his orders we will recommend them warmly to Congress for a generous gratification' Signd F. D. L. 'The account of the Cutter sailing with Dispatches' The Convoy France has granted under the command of la Motte Pignet. The quantity of arms Cloathing sent. The money Spain has agreed to furnish you thro the Havannah this year. The Count de Vergennes letter 24 Augst 1777— 'vos amis ne sont ni justes ni honetes' &ª, &ª—Supplies granted by France from Feby 1777 to Octr following 2 millions livres Dº by the Farmers Genls to be repaid in tobacco. 1 Dº Part of the letter dated Passy Decr 8th 1777 vizt Their grateful acknowledgements to the King of France from the additional aid of 3 millions which he has been graciously pleased to procure them & that his Majesty may be assured what ever engagements others may enter into in behalf of the U. S. in pursuant of the full powers vested with them the most punctual good faith by the Congress &ª &ª this is in a copy of a memorial she shewd.

"She also shewd me a letter vizt 5 March 1778 the Commissioners have requested that the treaty might be made public, his answer the great uncertainty of its being ratifyd by the Congress & should they publish it in Europe & it shd be rejected in America it woud subject France to infinite Difficulties. I had not time to take the full copies, she has promised that when he goes to the Country for a day or two, that she will secreet some papers & then I shall have what copies I pleased. I gave her the watch & have promised her the Pick tooth case for which I have given 6 Guineas."

Stormont's correspondence with Weymouth shows that the above statement is incorrect in every particular. Stormont did not have any of the articles of the treaty in his hands until after its contents were disclosed in England through Fox's statement in the House of Commons, which statement was made under Franklin's advice by friends of the American cause. Stormont also, while he kept spies enough about Franklin, so far from claiming to have obtained information through "Dr. Franklin's intimate" and "Mr. R.'s lady," states that while he has had all Franklin's goings out and comings in watched, the secret meetings held by Franklin were, as has been already stated, with political French agents, who sought such interviews to avoid publicity. But the letter above given is of interest as showing not merely the efforts of the British Government to obtain Franklin's disgrace at home, but the intensity of the monomania which impelled Arthur Lee to employ his own secretary as a detective to effect such disgrace. This letter, retained by Arthur Lee and indorsed by him and now among those of his papers deposited at Harvard College, is probably the "proof" referred to by Arthur Lee in one of the letters printed in the following pages of Franklin's subjection to unworthy female influence and of his consequent betrayal of state secrets.

Franklin's mistake was his not insisting on a competent secretary. He was, as we have seen, neither indolent nor dissipated, but as he grew older he became less and less inclined to do any work which was not necessary, or permit himself to be agitated by difficulties which were insurmountable. His fondness for his grandson made him adverse to having the latter's place occupied by a secretary of experience and ability, who, while following Franklin's policy, might have saved him from much friction, and, by proper and prompt explanations, have very much lessened the opposition of those who thought themselves neglected by the great diplomatist himself. This want of a secretary of legation who, while industrious and accomplished, would have been loyal to Franklin, was the great defect of our diplomatic revolutionary

system. More than one minister at Paris we did not need. But as Vergennes maintained, when arguing against vesting diplomatic authority in a board of three, such a legation as that of the United States in Paris required a secretary of the legation to carry on the minister's work.

His success as a diplomatist.

§ 120. "It must be remembered that to him we owe two treaties, that with France of 1778, and with Great Britain of 1782–'83, which are at once the most beneficial and the most widely and continuously effective of any which are recorded in history; and that these treaties were negotiated by him with colleagues at his side who at least gave him no help, and with no powerful sovereign to back him; himself a plain man, with no diplomatic training, adopting neither in conversation nor in correspondence the formulas of diplomatic science. Yet nowhere in the annals of diplomacy do we find documents so admirably adapted to their object, in simplicity and power of style, in political skill, in dexterity and force of argument, as those which during his Paris service sprung from his pen; nowhere such extraordinary results. The ablest of our older negotiators, next to Franklin, was Gallatin; yet it is impossible to examine Gallatin's dispatches during the negotiations of 1814–'15 and of 1818 without seeing how far he falls behind Franklin, at least in result, if not in style. Conspicuous diplomatists were at the Congress of Vienna—Talleyrand, Metternich, Castlereagh, Nesselrode. Yet the treaties they drew were in a few years torn to tatters, and, when they were still in force, were conspicuous chiefly for their perfidious denial to the peoples of Europe of liberties their sovereigns had previously pledged. Canning had great abilities as a secretary for foreign affairs, yet in his boast that he called a New World into existence to restore the equipoise of the Old, he claimed what belonged to Franklin, for it was Franklin who, in obtaining from all the legitimate sovereigns of Europe the recognition of a republic in the New World which had revolted from one of them, made it possible for this equipoise to be restored. But Franklin did more than this. By the treaties he negotiated with France and England not only was a liberal revolutionary government in the New World for the first time sanctioned by the legitimate sovereigns of Europe, but the United States, with boundaries sufficient to make a first-class power, was able, before her national spirit and love of liberty had been subjected to the strain which would have been imposed by a further continuance of war, to establish a government both free and constitutional. And of all treaties that have ever been negotiated, that of 1782–'83 is the one, as we have seen, which has produced the greatest blessings to both contracting parties, has been of the greatest benefit to civilization as a whole, and has been least affected by the flow of time."*

* 3 Dig. Int. Law, 2d ed., 919, *ff.*

His high reputation promotive of his success.

§ 121. "It would be difficult," says Count Ségur,* "to describe the eagerness and delight with which the American envoys, the agents of a people in a state of insurrection against their monarch, were received in France, in the bosom of an ancient monarchy. Nothing could be more striking than the contrast between the luxury of our capital, the elegance of our fashions, the magnificence of Versailles, the still brilliant remains of the monarchical pride of Louis XIV, and the polished and superb dignity of our nobility, on the one hand, and on the other hand, the almost rustic apparel, the plain but firm demeanor, the free and direct language of the envoys, whose antique simplicity of dress and appearance seemed to have introduced within our walls, in the midst of the effeminate and servile refinement of the eighteenth century, some sages contemporary with Plato, or republicans of the age of Cato and of Fabius. This unexpected apparition produced upon us a greater effect in consequence of its novelty, and of its occurring precisely at the period when literature and philosophy had circulated amongst us an unusual desire for reforms, a disposition to encourage innovations, and the seeds of an ardent attachment to liberty."

Jefferson, who argued that it spoilt an American diplomatist to keep him abroad seven years, said this did not apply to Franklin, who was America itself when in France, not subjecting himself to French influence, but subjecting France to American influence.

His consequent influence in France.

§ 122. "His (Franklin's) reputation," said John Adams at the time when Franklin's French duties were beginning, "was more universal than that of Leibnitz or Newton, Frederick or Voltaire, and his character more beloved and esteemed than any or all of them. * * * His name was familiar to government and people, to foreign countries, nobility, clergy, and philosophers, as well as plebeians to such a degree that there was scarcely a peasant or a citizen, a valet de chambre, coachman or footman, a lady's chambermaid or a scullion in a kitchen, who was not familiar with it, and who did not consider him a friend to humankind. * * * If a collection could be made of all the gazettes of Europe for the latter half of the eighteenth century a greater number of panegyrical paragraphs upon *le grand* Franklin would appear, it is believed, than upon any other man that ever lived."†

In a letter to Franklin of July 17, 1780, Jay says: "France, I know, has already done great things for us, and is still making glorious exertions. I am also sensible of your difficulties and respect them, though I am happy in reflecting that since they must exist they have fallen into the hands of one whose abilities and influence will enable him to sustain them at a court which does not appear inclined to do things by halves."‡

* 2 Parton's Franklin, 211.

† 1 John Adams' Works, 660.

‡ Franklin Papers, Department of State.

"Meanwhile," says a leading French historian, "the other glory of America, Franklin, had quitted his country (America) in order the better to serve it. After aiding in framing the immortal Declaration he had set out to gain the French alliance. * * * The United States had admirably chosen their plenipotentiary. Sprung from those working classes brought to light and elevated in public opinion by Diderot, not a Protestant like the great body of his countrymen, but a philosophic Deist of an intermediate shade between Voltaire and Rousseau; a physicist of the first order in this age, so much enamored with the natural sciences; as simple in his manners and costume as Jean-Jacques and his heroes, yet the wittiest and most acute of men; of a mind wholly French in tone and grace; a marvellous mixture of probity and ability, both in the highest degree; at once the great man of antiquity in certain aspects and pre-eminently the man of modern times; redeeming as far as possible what he lacked in ideality by that excellent moral equilibrium which he had in common with Washington, but more varied, more comprehensive, and less austere than the latter, he was adapted to captivate, as he captivated the France of the eighteenth century, by all his sentiments and all his ideas. He won the wise men by the good sense of his genius; the enthusiasts by the brilliancy of his rôle; the frivolous by the originality of his position and appearance."*

According to Parton† the sum total of the money obtained from France at the solicitation of Franklin was twenty-six millions of francs: in 1777, two millions; in 1778, three millions; in 1779, one million; in 1780, four millions; in 1781, ten millions; in 1782, six millions. These aids were given at a time when France herself was at war, and while the minister of France, M. Necker, constantly opposed the grants.‡ The only one of the American envoys in Paris in whom M. de Vergennes put any confidence was Franklin.§ In Vergennes' letters to Congress, given hereafter, under date of December 4, 1780, and February 14, 1781, he in the strongest language attributes to Franklin success in his negotiations with France which the course of Arthur Lee and Izard if it had prevailed would have made impossible.‖ In a confidential letter of Vergennes to Luzerne, of February 15, 1784, which is the more significant from the fact that it was not meant for the eye of Congress, we have the following:

"We think that Congress has acted wisely in recalling most of its agents in Europe; *their character is too little conciliatory and their heads too much excited* to admit of their

* 2 Martin's Decline of French Monarchy, 379.

† 2 Parton's Franklin, 391.

‡ See to same effect 2 Martin's Decline of French Monarchy, 387; 4 Garden, Histoire des traités de paix, 301, 387.

§ Note by Mr. Donne to Lord North's Correspondence with George III, 2, 370.

The sensation produced by Franklin's arrival in Paris is described with great vivacity and circumstantiality by Doniol, 2, 99 *ff.*

‖ 2 Parton's Franklin, 391, note.

being useful to their country. *The calmness and the prudence of Mr. Franklin* are certainly grave faults in their eyes; but it is by these qualities that this minister has inspired us with confidence. I do not believe that the superior services which this minister has rendered to his country will be requited; I can say that it will be very difficult for Congress to replace him." (1 Bancroft's History of the Constitution, 341.)

Feared and courted in England.

§ 123. Franklin, as a political power, was at least as highly estimated in England as in France. In George III's correspondence with North and Shelburne, Franklin is repeatedly spoken of as the one authoritative diplomatic representative of the Revolution. When men of position were sent from London to Paris to pave the way for peace, the question was who would be acceptable to Franklin, and for this purpose men of high character, such as Hartley, Hutton, Walpole, and Oswald, were selected; and it is creditable both to Franklin's sagacity and to his integrity that only men of this high tone were sent to him. Wedderburn's attack seems even to have increased the reverence with which Franklin was regarded by at least a large portion of the public. "In such language as this did this insolent lawyer speak of the profound philosopher, of the noble-hearted patriot, of the delightful social companion, of the tolerant politician, of the most illustrious, next to Washington, of the founders of the great American Republic, of the 'new Prometheus,' who in the words of the beautiful modern Latin verse—

"'Eripuit cœlo fulmen, sceptrumque tyrannis.'" *

"Of all the celebrated persons," said Sir Samuel Romilly, who met Franklin in 1783, "whom in my life I have chanced to see, Dr. Franklin, both from his appearance and his conversation, seemed to me the most remarkable. His venerable, patriarchal appearance, the simplicity of his manner and language, and the novelty of his observations, at least the novelty of them at that time to me, impressed me with an opinion of him as of one of the most extraordinary men that ever existed." †

Of Franklin's status in England Horace Walpole's letters, after allowing on the one side for his strong whig ties and on the other side for the antagonism of his character and tastes to those of Franklin, form a good test.

December 14, 1776.—"Dr. Franklin, at seventy-two, is arrived in a frigate at Nantes, and has brought in two prizes that he took in his way. He was to be in Paris on Saturday night. He left everything quiet in America on the 30th of October." (6 Cunningham's Walpole, 397.)

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* 1 Jesse's Memoirs of George III, 550; to same effect see 7 Cunningham's Walpole, 97. The feeling of bitterness towards Wedderburn grew in intensity as the war went on even among those who most applauded his speech when it was delivered. Even George III spoke of him as the most mischievous villain in England.

† 1 Romilly's Life, 50.

The anxiety felt by the English minister on Franklin's arrival is well illustrated in 2 Doniol, 102. He was of more value to the Americans, so it was said, than all the privateers they had sent out.

December 20, 1776.—"As nearly as I can make out, Dr. Franklin must have sailed a day or two after Washington's retreat, and therefore it is natural to conclude that he is come to tell France that she must directly interpose and protect the Americans, or that the Americans must submit to such terms as they can obtain." (*Id.*, 398.)

January 24, 1777.—"It does not appear yet that Dr. Franklin has persuaded France to espouse America openly." (*Id.*, 407.)

August 11, 1777.—"France sits by and laughs; receives our remonstances, sends us an ambassadress, and winks on Dr. Franklin. That is all the comfort she will give us." (*Id.*, 467.)

December 11, 1777.—"Lord North yesterday declared he should during the recess prepare to lay before the Parliament proposals of peace to be offered to the Americans. *I trust we have force enough to bring forward an accommodation.* These were his very words. * * * Were I Franklin, I would order the cabinet council to come to me at Paris with ropes about their necks and then kick them back to St. James." (7 Cunningham's Walpole, 14.)

February 18, 1778.—"Who can believe what I have read in the papers to-day? That one Hutton, a Moravian, has been dispatched to Paris to fling himself at Dr. Franklin's feet and sue for forgiveness. It is said that the man fell on the doctor's neck with tears and implored peace. What triumph on one side! What humiliation on the other! Will princes still listen to those vile flatterers, who fascinate them with visions of empire that terminate in such mortification? For the philosopher replied, 'It is too late.'" (*Id.*, 32.)

March 10, 1778 —"Dr. Franklin boasts that Philadelphia will be starved into a Burgoyneism." (*Id.*, 40.)

May 12, 1778.—"Unless sudden inspiration should seize the whole island of Britain and make it with one voice invite Dr. Franklin to come over and new model the government, it will crumble away in the hands that still hold it." (*Id.*, 65.)

June 3, 1778.—"France is very glad we have grown such fools, and soon saw that the Presbyterian Dr. Franklin had more sense than our ministers together." (*Id.*, 76.)

July 18, 1778.—"Dr. Franklin, thanks to Mr. Wedderburn, is at Paris. Every way I turn my thoughts the returns are irksome. What is the history of a fallen empire?" (*Id.*, 97.)

April 24, 1779.—"Unable to raise the sums we want for the war, the members of that Parliament that is told so are yet occupied in preying on the distresses of the government. What comments must Dr. Franklin make on every newspaper to the French ministers." (*Id.*, 196.)

June 16, 1779.—"The town has wound up the season perfectly in character by a fête at the Pantheon by subscription. * * * There is another person, one Dr. Franklin, who, I fancy, is not sorry that we divert ourselves so well." (*Id.*, 210.)

April 25, 1781.—"Unfortunately, Dr. Franklin was a truer politician (than Dundas) when he said he would furnish Mr. Gibbon with materials for writing the History of the Decline of the British Empire." (8 *Id.*, 30.)

October 1, 1782.—"Have you seen in the papers the excellent letter of Paul Jones to Sir Joseph Yorke? * * * Dr. Franklin himself, I should think, was the author. It is certainly written by a first-rate pen, and not by a common man of war." (*Id.*, 286.)

November 10, 1782.—"Western Europe has upon the whole made but a foolish figure of late either in policy or arms. *We* have flung away men, money, and thirteen provinces. *France* has been spiteful, to gain nothing but the honor of mischief. Spain has been bombastically unsuccessful, and Holland has betrayed imbecility in every light. Dr. Franklin may laugh at *us*, but surely he can not reverence his allies." (*Id.*, 305.)

July 1, 1790.—"How frantically have the French acted and how rationally the Americans. But Franklin and Washington are great men." (9 *Id.*, 247.)

Burke also paid tribute to Franklin as having made "such astonishing exertions in the cause which you espouse," and as deeply versed in human nature and human morals, and as "the philosopher, the friend, and the lover of his species."*

No sovereign in Europe was watched with greater interest or regarded as wielding a more supreme authority than was Franklin by English politicians as the war progressed. There was scarcely a correspondent of his in England who was not applied to by the ministry to sound him as to the terms he would accept; and when it was found that independence was the *sine qua non*, two of his most intimate friends were selected to arrange with him the treaty of peace.

Sympathies as between France and England.

§ 124. "Franklin's sympathies, as between England and France, were much discussed by his colleagues, and have been much discussed subsequently. Adams and Jay, as we will see, at first thought he was ready to speak too deferentially to England, and then that he was disposed too much to smooth over matters with France. The truth was that while his colleagues were ready to say rough things to both France and England, he was ready to say rough things to neither. And so far as concerns his personal relations, his past is to be considered. He undoubtedly had been much flattered in France, and pleasantly accepted the courtesies which were part of this flattery. But this flattery, it must be remembered, came not from the government but rather from philosophical *illuminati* who had nothing in common with the government, or from political enthusiasts, like La Fayette, who took up the American cause, not, as did Vergennes, as a means of redress for injuries inflicted on France by England, but from a love of liberty and of revolution, which Vergennes abhorred. There is nothing, in fact, in the way of extraordinary personal compliment from the French Government to Franklin to be found among his papers, generous as was the aid they contributed through him to his country. On the other hand, it is questionable whether there is an instance in history of homage paid to the emissary of revolted and still belligerent subjects such as that paid by three successive British administrations to Franklin. Fox, secretary of foreign affairs, sent to him Grenville with a letter of introduction couched in terms of singular conciliation. Shelburne sent to him Oswald, on the ground that Oswald had large American interests, and held the same views on political economy as Franklin; while Franklin was informed that the cabinet was agreed that if another negotiator would be more acceptable to Franklin, such negotiator should be sent. When Shelburne succeeded Rockingham, Oswald was continued at his post, with letters from Shelburne and from Thomas Townshend (who followed Shelburne in charge of the Colonies) expressive, with constantly increasing earnestness, of the hope that Oswald would succeed in winning Franklin's

* *Infra*, § 197.

confidence. And when the coalition ministry came in, instead of upsetting the peace, as might have been expected from the fact that they mounted into power by repudiating it, they sent to Paris David Hartley, an intimate friend of Franklin, to say that they accepted the preliminaries as the terms of a definite peace, intimating that, in order to assure Franklin of their sincerity, they had given plenipotentiary powers for the purpose to one with whom he was known to have been associated by the tenderest ties. If Franklin retained bitter animosities towards England in consequence of the insults heaped on him by Wedderburn in the privy council, or of the vituperation which had afterwards been poured on him by the British press, certainly time, old age, and a temper on his part naturally benignant, coupled with such extraordinary attentions from ministries representing the British king, would have soothed such animosities.

"But it can not be said, after an inspection of his papers, that these animosities swayed his course. He undoubtedly remembered that, not many months before, Lord Stormont, British minister at Paris, had said, in reply to a respectful communication from the American commissioners, that he would receive from rebels no communication unless in terms of surrender. He undoubtedly also remembered the cruelties by which the British arms in America had been stained; the employment of Hessians in a mere mercenary warfare; the instigation of atrocious Indian onslaughts. He could not have forgotten that the war had been protracted by the false information and the inflammatory appeals with which the refugees in England had filled the ears of those in power. He could not have forgotten any of these conditions, yet they appear to have receded from his eyes with the single exception of the conduct of the refugees as a class,—conduct which he thought disbarred them from any claim for indemnity from the United States. And on this topic he expressed himself with far more tenderness than did Jay, who declared that some at least of the refugees 'have far outstripped savages in perfidy and cruelty,'* and who in such cases justified confiscation, if not more condign punishment. But Franklin, while thus looking on the refugees as among the main causes of the obstinacy with which the war was persisted in and as continual industrious fomenters in England of animosity to the United States, found nevertheless in England friends not only the most cherished but most sympathetic with him in those views of political economy he held to so tenaciously. And with all his just gratitude to France, there is no doubt that in 1782 he looked forward to a permanent alliance between the United States and Great Britain, as affording, when based on sound economical principles, the prospect of greater benefit to the United States and to mankind in general than would be such an alliance with any other power. If, in Franklin's letters subsequent to the final determination of the peace, he speaks bitterly of probable British aggression, it must be re-

* 1 Jay's Life, 162.

membered that these letters were written after the defeat of Pitt's reciprocity bill, and after the issue by Fox and North of the order in council 'shutting off the United States from West Indian trade.'*

On this question Jefferson thus wrote:

"As to the charge of subservience to France, besides the evidence of his friendly colleagues before named, (Jay, Deane, and Laurens,) two years of my own service with him at Paris, daily visits, and the most friendly and confidential conversations convince me it had not a shadow of foundation. He possessed the confidence of that government in the highest degree, insomuch that it may be truly said that they were more under his influence than he was under theirs. The fact is, that his temper was so amiable and conciliatory, his conduct so rational, never urging impossibilities or even things unreasonably inconvenient to them, in short, so moderate and attentive to *their* difficulties as well as our own, that what his enemies called subserviency I saw as only that reasonable disposition which, sensible that advantages are not all to be on one side, yielding what is just and liberal, is the more certain of obtaining liberality and justice. Mutual confidence produces, of course, mutual influence, and was all which subsisted between Dr. Franklin and the Government of France." (7 Jefferson's Works, 109.)

His relations to Chaumont and Passy.

§ 125. Donatien Le Ray de Chaumont, as we are told by Mr. John Bigelow in an interesting sketch in the Century Magazine for March, 1888, a house on whose estate at Passy was occupied by Franklin when in France, was at the time a gentleman of fortune, holding honorable offices under the French Government, and bearing to it confidential relations. Franklin was to pay nothing for the house in the way of rent, but it was said by Chaumont that he meant to accept a grant of land from the republic when it was established. It was not without hesitation that Franklin accepted, on terms amounting to a gift, a residence so spacious and so elegant, which had the additional advantages of taking him out of the continuous supervision of British spies and the occasional intrusion of cosmopolitan tourists. The probable inference is that the French ministry stood behind Chaumont in making the lease, and that Chaumont was simply the nominal party.

Beaumarchais was the nominal party by whom supplies were presented to America. It was important for France that Franklin should have a commodious residence, in some respects out of the reach of unfriendly inspection; and this residence, as a sort of diplomatic immunity, France supplied. Of course this was not to be a public matter, so as to be the subject of British complaint; but the want of publicity is entirely consistent with the hypothesis that the government was the landlord. And it is to be observed that after 1779 Franklin never refers to Chaumont as the party to whom he was indebted for the house. So far from this, his letters after that date speak of Chaumont as of a person of whom in business matters he was entirely independent:

"I find that in these affairs with him (Chaumont) a bargain, though ever so clearly expressed, signifies nothing. One is no sooner engaged by a tempting proposition but

* 3 Dig. Int. Law, 2d ed., 915 *ff.*

changes begin to be proposed in the terms, and these follow one after another till one is quite bewildered." (Franklin to Williams, Jan. 15, 1781; Franklin's letter-book.)

On January 20, 1781, he speaks to Williams of Chaumont's desperate insolvency; and on January 22, 1781, he writes as follows:

"On the whole, I hope the destruction of his (Chaumont's) credit will do him no harm; it may prevent his excessively numerous and hazardous adventures; and if his estate be as it is represented, he can sit down upon it and live without trading."

For one sovereign to assign a residence to the representative of another is not unusual; and so far from such an assignment in the present case being humiliating, it was, supposing it to be in any shape from the government, one of the most delicate and generous ways in which the ministry, without breach of neutrality, could give prudent aid to the republic. And then there was no question that, even putting this action of the government out of sight, to Chaumont, a man then of wealth, a "philosopher," fond of social distinction, desirous of pleasing the court, the having Franklin, the idol of society, the object of deep court interest, as a guest and a close neighbor, was, for the nine years' residence of Franklin, the source of infinite delight. And it was from Passy that, during these nine eventful years, Franklin's diplomatic papers, which determined the fate of two continents, were dated; it was there that his liberal hospitality was dispensed; it was there, according to Mr. Bigelow, that the first lightning rod was put up; it was there that were held conferences with statesmen and philosophers, for whose results the world of science as well as the world of politics watched with eager interest.

Of the house assigned to Franklin Mr. Bigelow thus speaks:

"The property, of which the house occupied by Franklin was only a *dépendance*, and which M. de Chaumont had then owned but a few months, had at one time belonged to the Duchesse de Valentinois, and was still known as the Hôtel Valentinois. On this considerable estate were two dwellings, one known and described in the conveyances as *le grand* and the other as *le petit hôtel*. The larger was occupied by M. de Chaumont, and the smaller was for the remainder of his sojourn in France the residence of Franklin."

And of the immediate neighborhood:

"The quarter of Passy where Franklin took up his abode ranked in those days among the most attractive in the environs of Paris, and is far from owing all its interest, in the eyes even of American readers, to its having been for so many years the residence of their first diplomatic representative. It was the residence of the Marquis de Pontainvilliers, the Prevost of Paris and Lord of Passy; of the illustrious and unfortunate Princesse de Lamballe, whose chateau was still standing under the Second Empire: and of the Marshal d'Estaing, whose name is so honorably associated with our Revolution. Then at Auteuil, adjoining Passy, was the residence of Madame Helvetius, whose house was the resort of all the political celebrities of France, and to whom, because of the judicious patronage she extended to people of letters, Franklin gave the name of *Notre Dame d'Auteuil*. To this circle no person seems to have been admitted upon a more intimate footing than Franklin. There was even a tradition that he had offered himself to her in marriage. Of this, however, there is no evidence, nor even probability. It was the most attractive salon in Paris; one to which Napoleon on his return from Italy sought, but unsuccessfully,

to secure admission. We need look no further for an explanation of Franklin's devotion to its presiding genius. If anything were yet wanting to make Passy fashionable it was to be found in the royal chateau of La Muette, which was a favorite resort of the king. It was from here that he dated the popular edict which suppressed the *Don de joyeux Avénement.* At La Muette was a laboratory constructed by Louis XV and enlarged by his successor. Franklin was often there with his friends Le Roy and the Abbé la Roche, both members of the Academy of Sciences, prosecuting his experiments in electricity, on the weight of the atmosphere, etc. Passy was also endowed by nature with a mineral spring renowned in those days for its medicinal properties, and which served as another veil to Franklin's real purpose—he being something of an invalid—in accepting the hospitalities of M. de Chaumont. This spring was the property of a M. le Veillard, first mayor of Passy, with whom Dr. Franklin contracted a great intimacy and life-long friendship."

"Franklin's life here [at Passy] seemed to some of the American travelers too luxurious; but the French criticism was not so severe. 'To luxury [as had marked the chateau in old times] there succeeded modesty, and to all the extravagance of vice the most frugal simplicity. The minister was usually dressed in a coat of chestnut-colored cloth, without any embroidery. He wore his hair without dressing it, used large spectacles, and carried in his hand a white staff of crab-apple stock. Whoever saw him would not have thought him to be an ambassador, but a peasant of distinguished appearance.' With reference to this remark, which appears in more than one French author of that and of succeeding times, it is to be said that Franklin knew as well as any man when full-dress was required, and was as unwilling as any man to undervalue social restrictions." (2 Hale's Franklin in France, 2.)

From what we have seen of Mr. Adams and Mr. Arthur Lee it can be readily understood that they were not likely to exercise that fascination over Chaumont which Franklin exercised, nor would they have by their celebrity added to the social distinction by which Chaumont was attracted, nor would they have contributed by their tact and gracefulness to the comfort of a common establishment. It was never suggested that Franklin did not do his best to make his colleagues at ease in the spacious establishment at the head of which he was placed. But John Adams, feeling that the courtesy came to him through Franklin, and that he had no personal claims on Chaumont, wrote to Chaumont on September 16, 1778, a letter, apparently speaking for himself and his associates, in which he told Chaumont that they were unwilling to be indebted to him without knowing on what terms the debt was to be. The letter closed as follows:

"As you have an account against the commissioners, or against the United States, for several other matters, I should be obliged to you if you would send it in as soon as possible, as every day makes it more and more necessary for us to look into our affairs with the utmost precision.

"I am, sir, with much esteem and respect, etc.,

"JOHN ADAMS."

Chaumont's reply was as follows:

"PASSY, *September* 18, 1778.

"SIR: I have received the letter which you did me the honor to write to me on the 16th inst., making inquiry as to the rent of my house in which you live for the past and the future. When I consecrated my house to the use of Dr. Franklin and his associates who might share it with him, I made it fully understood that I should expect no compensation, because I perceived that you had need of all your means to send to the succor of your country, or to relieve the distresses of your countrymen

escaping from the chains of your enemies. I pray you, sir, to permit this arrangement to remain, which I made when the fate of your country was doubtful. When she shall enjoy all her splendor, such sacrifices on my part will be superfluous or unworthy of her; but at present they may be useful, and I am happy in offering them to you.

"There is no occasion for strangers to be informed of my proceedings in this respect. It is so much the worse for those who would not do the same if they had the opportunity, and so much the better for me to have immortalized my house by receiving into it Dr. Franklin and his associates."

"There is no doubt," says Mr. Bigelow, commenting on the above, "that Mr. Adams' mind had been poisoned by his colleague, Arthur Lee, or he would never have written the letter of the 16th of September, which was more or less of a reflection upon his senior colleague, the practical head of the commission. However, he seems to have been entirely satisfied with the result, as all his subsequent relations with M. de Chaumont and his family abundantly testify. Not so, however, Arthur Lee. He was a sort of stormy petrel, only content in foul weather, and his determination to produce bad blood between Adams and Franklin was not abandoned."

Chaumont, as we learn from the following correspondence, was active in forwarding supplies to the United States with the understanding that there was to be no payment unless independence was achieved. He was concerned in the naval operations of John Paul Jones; he sent clothing in large quantities to La Fayette for distribution; he took part in a large shipment of powder to the United States at a time when powder was almost unattainable by the Continental troops.

That Chaumont's kindly feelings to Adams were not impaired by Adams' action in September, 1778, is shown by the fact that early in 1779, Adams still continuing to live under the roof of Franklin at Passy, Chaumont offered to Adams, who then was talking of his desire for country life, the use of a villa at Blessois. To this offer Adams made the following reply, as given by Mr. Bigelow:

To M. Le Ray de Chaumont.

"PASSY, *February* 25, 1779.

"SIR: I have this moment the honor of your kind billet of this day's date, and I feel myself under great obligations for the genteel and generous offer of your house at Blessois; but if I do not put Dr. Franklin to inconvenience, which I shall not do long, my residence at Passy is very agreeable to me.

"To a mind as much addicted to retirement as mine the situation you propose would be delicious indeed, provided my country were at peace and my family with me; but, separated from my family and with an heart bleeding with the wounds of its country, I should be the most miserable being on earth in retreat and idleness. To America, therefore, in all events and at all hazards, I must attempt to go, provided I do not receive counter orders which I can execute with honor and with some prospect of advantage to the public service.

"I thank you, sir, and your agreeable family for all your civilities since my arrival at Passy, and have the honor to be, with great respect,

"Your most obedient and humble servant,

"JOHN ADAMS."

In the following pages reference is made to the relations of Chaumont to Paul Jones. By Chaumont Paul Jones' outfit was in a large measure prepared, and though, as the papers show, they came frequently in conflict, yet Jones at the end acknowledged that Chaumont had endeavored to do justice to him in the very difficult situation in which they were placed.

However meritorious may have been Chaumont's claims for advances to the United States, they took their place among other claims, imperfectly vouched, which the Confederacy after peace found itself unable to pay.

Large tracts of land in the State of New York were purchased shortly after the war closed by Chaumont for himself and his friends. But the lands were badly situated, and the speculation ended in an insolvent assignment under circumstances which are detailed by Mr. Bigelow in the article above cited.

Relations to his colleagues.

§ 126. Franklin's relations to Adams, to Arthur and William Lee, and Izard are elsewhere specifically discussed, and have already been incidentally noticed.* With Deane he did but little in the way of concert. As soon as Franklin became familiar with his duties he assumed the entire management of the legation, Deane only taking charge of unfinished business and of matters of detail. With Jefferson, after his arrival, Franklin was on terms of affectionate intimacy. But the period when they were together was a period of repose, apparently all the more profound from its contrast with the tension and conflict by which it had been preceded. As to the position of his other colleagues we must keep in mind the following suggestions by Sparks:

"His great fame and extraordinary character gained him much admiration and notice in France, and placed him in a sphere above his colleagues. As their powers in office were equal with his, it was natural that they should be annoyed by this marked distinction shown to him, particularly when taken in connection with his usual manners to them, which were evidently not the most conciliatory or courteous. He seemed willing to enjoy the meed of his fame without giving himself much trouble or concern about the social rank or public estimation of his associates. This may be accounted for in some sort by his advanced age and bodily infirmities, his habits of reserve in conversation, and his cold and cautious temperament." (North American Review, April, 1830, vol. 30, p. 507.)

We must, on the other hand, remember that when overruled by his colleagues he submitted with a tranquillity which relieved him from all suspicion of factious opposition. Thus by Adams and Arthur Lee he was outvoted, as we have seen, in the substitution for Williams of William Lee, in whose employment was Ludwell Lee, in the business agency at Nantes; and although he had reason to believe, as afterwards turned out to be the case, that the change would act badly, yet, feeling that an exposure of disagreement might be more dangerous to the

* See *supra*, § 15 *ff.*; *infra*, § 149.

country than would be a fruitless opposition on his part, he acquiesced. For the same reason he acquiesced in the action of Adams and Jay in withholding from France formal notice of the peace negotiations pending with Britain in 1782. Yet, though from time to time overruled, his influence, even when in a minority, was necessarily supreme. In him alone, among the several American envoys at Paris, did the French ministry put full confidence; and France, until almost the close of the Revolution, was the only European sovereignty by whom our national existence was recognized. And here may be studied the following striking remarks by Edward Everett:

"The alliance (with France) saved the United States; but how hardly was the alliance itself formed, and how often did it seem impossible to realize its fruits! The rarest conjuncture of persons and things was requisite and did in fact exist, but accompanied at the same time by other agents so ill qualified, and other events so untoward, that it would seem as if the good and evil genius of America had each his alternate day assigned him in controlling the march of things." (33 North American Review, 450.)

In following sections will be considered Franklin's relations to Arthur Lee and to Jay.*

On December 4, 1818, Jefferson, then in extreme old age, thus wrote to Walsh:

"Dr. Franklin had many political enemies, as every character must which, with decision enough to have opinions, has energy and talent enough to give them effect on the feelings of the adversary opinion. These enmities were chiefly in Pennsylvania and Massachusetts. In the former they were merely of the proprietary party. In the latter they did not commence till the Revolution, and then sprung chiefly from personal animosities, which, spreading by little and little, became at length of some extent. Dr. Lee was his principal calumniator, a man of much malignity, who, besides enlisting his whole family in the same hostility, was enabled, as the agent of Massachusetts with the British Government, to infuse it into that State with considerable effect. Mr. Izard, the doctor's enemy also, but from a pecuniary transaction, never countenanced these charges against him. Mr. Jay, Silas Deane, Mr. Laurens, his colleagues also, ever maintained towards him unlimited confidence and respect. That he would have waived the formal recognition of our independence I never heard on any authority worthy of notice." (7 Jefferson's Works, 108.)

The leading point of difference between Franklin on the one side, and Adams and Jay on the other side, was as to the binding character of the treaty and of the instructions of Congress, requiring them as peace commissioners to negotiate in unison with France. It has been already seen that such stipulations are common in all alliances for war,† and that Franklin's views in this respect were in harmony with those of Congress, as expressed by Livingston, by Hamilton, and by Madison.

The letter of Arthur Lee of January 29, 1778, in which he proposes that he be made sole minister at Paris, Deane sent to Holland, Franklin to Vienna, and Jennings to Madrid, is in the collection at the University of Virginia.

Infra, §§ 149, 158.

†*Supra*, §§ 4, 109 *ff.*

On October 15, 1778, William Lee, in a letter in the Harvard College Collection, thus writes to Richard H. Lee:

"I have never yet asked anything from Congress, but when they do send a commissioner to Holland I profess, as my former line of life has been changed, I should not dislike that appointment, and I think if any change takes place in my present department there is no person so proper as Dr. Franklin to be sent to Vienna."

Arthur Lee therefore was to stay in Paris, William Lee to go to Holland, and Franklin, whom they both spoke of as traitorous and wicked, was to be sent to Vienna, which Arthur Lee declared to be the most distinguished diplomatic post in Europe.*

Relations to his family.

§ 127. Of Franklin's relations to his grandson, who acted as his private secretary, several incidental notices have been given. Of his relations to his son the following summary, which bears on the political position of the two, deserves consideration:

"In 1784 the father and son, after an estrangement of ten years, became reconciled to one another. The son appears to have made the first overture. Dr. Franklin, in acknowledging the receipt of his letter, says in reply, on the 16th of August of that year: 'I am glad to find that you desire to revive the affectionate intercourse that formerly existed between us. It will be very agreeable to me; indeed nothing has ever hurt me so much and affected me with such keen sensations as to find myself deserted in my old age by my only son; and not only deserted, but to find him taking up arms against me in a cause wherein my good fame, fortune, and life were all at stake. You conceived, you say, that your duty to your king and regard for your country required this. I ought not to blame you for differing in sentiment with me in public affairs. We are all men subject to errors, our opinions are not in our power; they are formed and governed much by circumstances that are often as inexplicable as they are irresistible. Your situation was such that few would have censured your remaining neuter, though there are natural duties which precede political ones, and cannot be extinguished by them. This is a disagreeable subject; I drop it, and we will endeavor, as you propose, mutually to forget what has happened relating to it, as well as we can.'*

"The doctor, I conclude, was never able to forget entirely the alienation which had happened between them. In a letter to the Rev. Dr. Byles (1788) he said: 'I, too, have a daughter who lives with me, and is the comfort of my declining years, while my son is estranged from me by the part he took in the late war and keeps aloof, residing in England, whose cause he *espoused*, whereby the old proverb is exemplified:

'My son is my son till he gets him a wife;
But my daughter's my daughter all the days of her life.'

"In his will, dated June 23, 1789, a few months before his own decease, he thus remembers his son William, late governor of the Jerseys:

"'I give and devise all the lands I hold or have a right to in the province of Nova

* See Sparks' comments on this, *infra*, § 145. See further criticisms in Trescot's Diplomacy of the Revolution, 119.

† According to Judge Jones, in his History of New York, (1, 135) William Franklin was detained in Connecticut "and inhumanly treated" at his father's request. The inaccuracy of this statement is fully shown in Johnston's "Observations" on Jones' History, 33–35.

The refusal of Congress to appoint William Temple Franklin to a diplomatic post arose chiefly from the feeling that when he was removed from his grandfather's influence he might fall under that of his father, who was a bitter loyalist.

Scotia, to hold to him, his heirs and assigns, forever. I also give to him all my books and papers which he has in his possession and all debts standing against him on my account books, willing that no payment for nor restitution of the same be required of him by my executors. The part he acted against me in the late war, which is of public notoriety, will account for my leaving him no more of an estate he endeavored to deprive me of.'" (1 Sabine's Loyalists, 442.)

Franklin's home, after his return to Philadelphia, was with his daughter, Mrs. Bache, where he received visitors with the same kindly hospitality as marked him in his foreign career, though his infirmities prevented him from giving or receiving formal entertainments.*

His course after retiring from his mission.

§ 128. Franklin's course, on and immediately after retiring from his mission, is, so far as concerns the mission, exhibited in the following correspondence:

Franklin to the President of Congress.†

PASSY, *February 8th*, 1785.

SIR: I received by the Marquis de la Fayette the two letters you did me the honor of writing to me the 11th and 14th of December, the one inclosing a letter from Congress to the king, the other a resolve of Congress respecting the convention for establishing consuls. The letter was immediately delivered and well received. The resolve came too late to suspend signing the convention, it having been done July last, and a copy sent so long since that we now expected the ratification. As that copy seems to have miscarried I now send another.

I am not informed what objection has arisen in Congress to the plan sent me. Mr. Jefferson thinks it may have been to the part which restrained the consuls from all concern in commerce. That article was omitted, being thought unnecessary to be stipulated, since either party would always have the power of imposing such restraints on its own officers whenever it should think fit. I am, however, of opinion that this or any other reasonable article or alteration may be obtained at the desire of Congress and established by a supplement.

Permit me, sir, to congratulate you on your being called to the high honor of presiding in our national councils and to wish you every felicity, being, with the most perfect esteem, etc.,

B. FRANKLIN.

Franklin to the President of Congress.†

PASSY, *April 12th*, 1785.

SIR: M. de Chaumont, who will have the honor of presenting this line to your excellency, is a young gentleman of excellent character, whose father was one of our most early friends in this country, which he manifested by crediting us with a thousand barrels of gunpowder and other military stores in 1776, before we had provided any apparent means of payment. He has, as I understand, some demands to make on Congress, the nature of which I am unacquainted with; but my regard for the family makes me wish that they may obtain a speedy consideration, and such favorably issue as they may appear to merit.

To this end I beg leave to recommend him to your countenance and protection, and am, with great respect, etc.,

B. FRANKLIN.

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* From two very different sources, Jefferson and Manasseh Cutler, we have notices in their letters of Franklin's graciousness in his extreme age to visitors, as well as of the comfort he took in his home.

†2 Sparks' Dip. Rev. Corr., 519.

*Franklin to Count de Vergennes.**

PASSY, *May* 3*d*, 1785.

SIR: I have the honor to acquaint your excellency that I have at length obtained, and yesterday received, the permission of Congress to return to America. As my malady makes it impracticable for me to pay my devoirs at Versailles personally, may I beg the favor of you, sir, to express respectfully for me to his majesty the deep sense I have of all the inestimable benefits his goodness has conferred on my country; a sentiment that it will be the business of the little remainder of life now left me to impress equally on the minds of all my countrymen. My sincere prayers are that God may shower down his blessings on the king and queen, their children, and all the royal family, to the latest generations!

Permit me, at the same time, to offer you my thankful acknowledgments for the protection and countenance you afforded me at my arrival, and your many favors during my residence here, of which I shall always retain the most grateful remembrance.

My grandson would have had the honor of waiting on you with this letter, but he has been some time ill of a fever.

With the greatest esteem and respect, and best wishes for the constant prosperity of yourself and all your amiable family, I am, sir, your excellency's most obedient and most humble servant,

B. FRANKLIN.

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*Rayneval to Franklin.**

[Translation.]

VERSAILLES, *May* 8, 1785.

SIR: I have learned with the greatest concern that you are soon to leave us. You will carry with you the affections of all France, for nobody has been more esteemed than you. I shall call on you at Passy, to desire you to retain for me a share in your remembrance and renew to you personally the assurances of the most perfect attachment with which I have the honor to be, sir, etc.,

DE RAYNEVAL.

Franklin to Jay, secretary of foreign affairs. †

PASSY, *May* 10, 1785.

DEAR SIR: I received your kind letter of the 8th of March, inclosing the resolution of Congress permitting my return to America, for which I am very thankful, and am now preparing to depart the first good opportunity. Next to the pleasure of rejoining my own family will be that of seeing you and yours well and happy, and embracing once more my little friend, whose singular attachment to me I shall always remember.

I shall be glad to render any acceptable service to Mr. Randall. I conveyed the bayberry wax to Abbé de Chalut, with your compliments, as you desired. He returns his with many thanks. Be pleased to make my respectful compliments acceptable to Mrs. Jay; and believe me ever, with sincere and great respect and esteem, etc.,

B. FRANKLIN.

P. S.—The striking of the medals being now in agitation here, I send the inclosed for consideration. B. F.

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* 2 Sparks' Dip. Rev. Corr., 520. † *Ibid.*, 521.

*Franklin to Charles Thomson.**

PASSY, *May* 10, 1785.

DEAR SIR: A gentleman in Switzerland, long of the magistracy there, having written a book entitled Du Gouvernement des Mœurs, which is thought to contain many matters that may be useful in America, desired to know of me how he could convey a number of the printed copies, to be distributed gratis among the members of Congress. I advised his addressing the package to you by way of Amsterdam, whence a friend of mine would forward it. It is accordingly shipped there on board the *Van Berckel*, Capt. W. Campbell. There are good things in the work; but his chapter on the liberty of the press appears to me to contain more rhetoric than reason.

With great esteem I am, ever, etc.,

B. FRANKLIN.

Vergennes to Franklin.†

[Translation]

VERSAILLES, *May* 22, 1785.

SIR: I have learnt with much concern of your retiring, and of your approaching departure for America. You can not doubt but that the regrets which you will leave will be proportionate to the consideration you so justly enjoy.

I can assure you, sir, that the esteem the king entertains for you does not leave you anything to wish; and that his majesty will learn with real satisfaction that your fellow-citizens have rewarded in a manner worthy of you the important services that you have rendered them.

I beg, sir, that you will preserve for me a share in your remembrance, and never doubt the sincerity of the interest I take in your happiness. It is founded on the sentiments of attachment of which I have assured you, and with which I have the honor to be, etc.,

DE VERGENNES.

Castries to Franklin.‡

[Translation.]

VERSAILLES, *July* 10, 1785.

SIR: I was not apprised until within a few hours of the arrangements which you have made for your departure. Had I been informed of it sooner I should have proposed to the king to order a frigate to convey you to your own country in a manner suitable to the known importance of the services you have been engaged in, to the esteem you have acquired in France, and the particular esteem which his majesty entertains for you.

I pray you, sir, to accept my regrets, and a renewed assurance of the most entire consideration with which I have the honor to be, sir, your very humble and obedient servant,

DE CASTRIES.

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* 2 Sparks' Dip. Rev. Corr., 521. † *Ibid.*, 522. ‡ *Ibid.*, 523.

*Franklin to Jay, secretary of foreign affairs.**

PHILADELPHIA, *September* 19, 1785.

SIR: I have the honor to acquaint you that I left Paris the 12th of July, and, agreeable to the permission of Congress, am returned to my own country. Mr. Jefferson had recovered his health, and was much esteemed and respected there. Our joint letters have already informed you of our late proceedings, to which I have nothing to add, except that the last act I did, as minister plenipotentiary for making treaties, was to sign with him, two days before I came away, the treaty of friendship and commerce that had been agreed on with Prussia,† and which was to be carried to The Hague by Mr. Short, there to be signed by the Baron Thulemeyer, on the part of the king, who, without the least hesitation, had approved and conceded to the new humane articles proposed by Congress. Mr. Short was also to call at London for the signature of Mr. Adams, who I learnt, when at Southampton, was well received at the British court.

The Captain Lamb, who in a letter of yours to Mr. Adams was said to be coming to us with instructions respecting Morocco, had not appeared, nor had we heard anything of him; so nothing had been done by us in that treaty.

I left the court of France in the same friendly disposition towards the United States that we have all along experienced, though concerned to find that our credit is not better supported in the payment of the interest-money due on our loans, which, in case of another war, must be, they think, extremely prejudicial to us, and indeed may contribute to draw on a war the sooner, by affording our enemies the encouraging confidence that those who take so little care to pay will not again find it easy to borrow. I received from the king at my departure the present of his picture set round with diamonds, usually given to ministers plenipotentiary who have signed any treaties with that court; and it is at the disposition of Congress, to whom be pleased to present my dutiful respects.

I am, with great esteem and regard, etc.,

B. FRANKLIN.

P. S.—Not caring to trust them to a common conveyance, I send by my late secretary, who will have the honor of delivering them to you, all the original treaties I have been concerned in negotiating that were completed. Those with Portugal and Denmark continue in suspense.

B. F.

Of Franklin's reception on his return to Philadelphia, of his election and re-election to the presidency of Pennsylvania; of his part in the Constitutional Convention, this is not the place to speak. But it may not be improper, in closing this notice of him, to refer once more to the tribute paid him by Washington, given when Franklin was approaching his end.‡

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* 2 Sparks' Dip. Rev. Corr., 524.

† See this treaty at large in Treaties and Conventions of the United States, 1889, p. 899.

‡ See *supra*, § 113.

CHAPTER XI.

JOHN AND SAMUEL ADAMS.

Diplomatic career.

§ 129. "John Adams was a delegate in the First Continental Congress, and one of the most active, zealous, and efficient members of that body. For three years his labors in Congress were incessant, and of the most valuable kind. It is said of him that he belonged to more committees than any other individual, and he discharged the duties of each with remarkable promptness and energy.

"The foreign affairs of the United States having assumed an important aspect, Mr. Adams was appointed a commissioner to France in the place of Silas Deane, who had been recalled. This appointment took place on the 28th of November, 1777, and in the following February he embarked from Boston. After a long and disagreeable passage of forty-five days he arrived in France. Here he devoted himself to the duties of his mission, in conjunction with his colleagues, till Dr. Franklin was appointed minister plenipotentiary to the court of France, and the commission was dissolved. Having no longer any charge to execute in Europe, Mr. Adams left Paris on the 8th of March, 1779, for Nantes, where he proposed to embark for his own country. Various accidents and unexpected causes of delay kept him there till the 14th of June, when he sailed in the French frigate the *Sensible*, in company with M. de la Luzerne, who was coming to the United States in the character of minister plenipotentiary, as successor to M. Gerard. The French Government had voluntarily proffered to Mr. Adams a passage in this vessel, after his disappointment in not sailing in the American frigate *Alliance*, as he first expected. The *Sensible* arrived in Boston on the 3d of August.

"But he was not long allowed to remain a spectator only of public events. On the 27th of September he was again chosen by Congress to represent his country abroad, as minister plenipotentiary, for negotiating a treaty of peace and a treaty of commerce with Great Britain, when that nation should be found in a humor to recognize the independence of the United States and enter into bonds of friendship. A task more honorable, momentous, and difficult could not have awaited him, nor one bearing more emphatical testimony of the confidence of his countrymen in his wisdom, abilities, integrity, and patriotism. On this second mission he sailed in the same frigate which had brought him from France; accommodations for this purpose having been offered to Congress by the French minister in Philadelphia. The vessel sprang a leak on the passage, and the captain was obliged to put into Ferrol, in Spain, where he arrived on the 8th of December. From this place, that he might avoid further hazards and uncertainty of a sea voyage in the depth of winter, Mr. Adams resolved to proceed by land to the point of his destination. He reached Paris on the 9th of February, 1780. The extreme badness of the traveling at this season had detained him nearly two months on the road.

"By the terms of his commission the place of his residence was not prescribed, but for the present he chose to fix himself in Paris, as amicable relations already subsisted between the French court and Congress, and he was instructed to consult the French ministry in regard to any movements that might be made in effecting a treaty with England. He held a correspondence with Count de Vergennes respect-

ing the time and manner of carrying his instructions into execution and on other topics; in all of which, however, his opinions and those of the French minister were somewhat at variance. There seeming no prospect that Great Britain would soon be inclined to peace, and Mr. Adams having no special reasons for remaining at the French court, he made a tour to Holland in the beginning of August, leaving his secretary, Mr. Dana, at Paris.

"Meantime Congress had assigned him another duty. Mr. Henry Laurens had been appointed, as early as November, 1779, to negotiate a loan of ten millions abroad, but having been prevented by various causes from departing on this service, Congress, on the 20th of June following, authorized Mr. Adams to engage in the undertaking, and prosecute it till Mr. Laurens or some other person in his stead should arrive in Europe. This commission reached Paris four weeks after he had left that city, and Mr. Dana proceeded with it to Holland. Efforts were immediately made to procure a loan in that country, which were for a long time ineffectual, but which at last succeeded.

"Mr. Laurens sailed for Holland in August, 1780, but was captured a few days afterwards by a British frigate, which conveyed him to Newfoundland, whence he was sent to England and imprisoned in the Tower. When this intelligence reached Congress, it was resolved to transfer his appointment to another person; and on the 29th of December Mr. Adams was commissioned to negotiate a treaty of amity and commerce with the United Provinces,* and he was furnished with separate letters of credence as minister plenipotentiary to the States-General and to the Prince of Orange. The state of parties in Holland, and particularly the influence of England there, rendered unavailing all advances of the American minister towards a treaty.

"It having been intimated to Mr. Adams, by the Duc de la Vauguyon, French ambassador in Holland, that a treaty of peace was in prospect through the mediation of Russia and Austria, and that Count de Vergennes would be glad to see him on the subject at Versailles, he set off for Paris on the 6th of July, 1781. He had several interviews with the Count de Vergennes and a correspondence of some length. After remaining three weeks at Paris and Versailles without perceiving any apparent indications that this project for a negotiation would come to maturity, he returned again to Holland.

"On the 14th of June Congress appointed four other commissioners, in conjunction with Mr. Adams, to negotiate a treaty of peace; namely, Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson, and the first commission of Mr. Adams for this purpose was annulled.

"A misunderstanding having grown up between England and the United Provinces chiefly on account of the part taken by the latter in joining the northern powers to carry into operation the plan of the armed neutrality, the French court thought it a good opportunity for the United States to seek a treaty of alliance with Holland. This step was accordingly recommended to Congress through the French minister at Philadelphia, and, in consequence of this suggestion, new powers were conferred on Mr. Adams, dated August the 16th, by which he was commissioned to negotiate a treaty of alliance with Holland, limited in duration to the continuance of the war with England, and conformable to the treaties then subsisting with France.

"The political relations between the several provinces of Holland were such, however, that the process of negotiation went on heavily and slowly. The English interest still continued strong, even after the war had begun, and embarrassments of various kinds were thrown in the way, which required no common share of sagacity, firmness, and perseverance to overcome. All these at length yielded; and on the 8th of October, 1782, a treaty of commerce between the United States and Holland, and a convention concerning recaptures were signed at The Hague.

"Dr. Franklin and Mr. Jay had now been for three or four months actively en-

* The Netherlands.

gaged in the negotiation of peace at Paris. Having thus brought affairs to a happy issue in Holland, Mr. Adams hastened to join the commissioners, and arrived in Paris before the end of October. From that time till the preliminary articles were signed, November the 30th, he applied himself unremittingly with his colleagues to the details of the negotiation. He also took part in the discussions respecting the definitive treaty which followed from time to time, and was one of the signers of that instrument.

"In the winter of 1784 he was in Holland. In January, 1785, he was appointed the first American minister plenipotentiary to the court of St. James. While in England he wrote his Defense of the American Constitutions. In the year 1788 permission was granted him to return home, where he arrived after an absence of almost nine years, during the whole of which period he had been employed in services of the highest responsibility and importance. He was shortly afterwards elected Vice-President of the United States, under the first presidency of Washington." (2 Sparks' Dip. Rev. Corr., 534-536.)

Of Adams' election in 1785 as minister to England, Jones, in a letter to Madison of March 30, thus writes:

"J. Adams is appointed minister to court of London, outvoting R. R. Livingston and Rutledge—Adams, 8; Livingston, 3; Rutledge, 2. The first vote—Adams, 6; Livingston, 5; Rutledge, 2. Virginia and Maryland at first voted for Livingston, but went over to Adams finally." (Letters of Joseph Jones, 142.)

See, for an interesting estimate of Adams' position, Trescot's Diplomacy of the Revolution, 121.

Courage and oratorical powers.

§ 130. "His patriotism was ardent and even fierce; attempts to corrupt or intimidate him would only have intensified its fires. He was capable of bold, sudden action, and he could defend such action by oratory singularly thrilling, exhibiting like lightning the path and the perils ahead, and in doing so dazzling as well as guiding. * * * He was, as Jefferson said, the Colossus on whom depended, so far oratorical effect was concerned, the contest for independence." *

Resistance to dominant influences.

§ 131. Walter Scott tells of a Scotch laird who, when he was asked by an Englishman as to James I, said: "Ken ye an ape? Gin I hold him he bites you; gin you hold him he bites me." Just the opposite was Adams. He could not be "held" by anybody. If he suspected, and in such matters suspicion was natural to him, any attempt to "hold" him, whether by undue political pressure, as he thought was the attitude to him of France, or by a persuasive subtle supremacy, as certainly was the case with Franklin, he resented and justified his resentment to himself by honestly investing its objects with the attributes they would have had if his suspicions were true. These antagonisms as between the various governments with which he came in contact he distributed with impartiality, with this distinction, that the one with which he had most closely to deal was the one whose faults he saw at the time most plainly. "He has a sound head on substantial points," said Jefferson, when speak-

* 3 Dig. Int. Law, 2 ed., p. 927, where Adams' action on the peace commission is examined at large.

ing of him on February 14, 1783, to Madison in a letter heretofore unpublished,* "and I think he has integrity. I am glad therefore that he is on the commission (to negotiate peace, a position Jefferson had declined), and expect he will be useful in it. *His dislike of all parties and all men, by balancing his prejudices, may give the same fair play to his reason as a general benignity of temper.*"

In a subsequent letter Jefferson said:

"You know the opinion I formerly entertained of my friend Mr. Adams. * * * I afterwards saw proofs which convicted him of vanity and a blindness to it of which no germ appeared in Congress. A seven months' intimacy with him here (in Paris) and as many weeks in London have given me opportunities of studying him closely. He is vain, irritable, and a bad calculator of the force and probable effects of the motives which govern men. This is all the ill which can possibly be said of him. He is as disinterested as the being who made him; he is profound in his views and accurate in his judgment, except when a knowledge of the world is necessary to form a judgment. He is so amiable, that I pronounce you will love him if ever you become acquainted with him. He would be, as he was, a great man in Congress." (Jefferson to Madison, January 30, 1787, 2 Jefferson's Works, 107.)

But the "balancing" did not take place except on the rare occasions in which the parties who pressed against him were in equal proximity. He declared, it is true, as we will see hereafter, that he distrusted all European states.† It was, however, only as to the state with which he was at the time brought into contact that this distrust took overt shape. When he was minister in England his spirit rose within him at the humiliations there imposed upon him. When he was in France he was a good part of the time in a state of irrepressible irritation at Vergennes and at the whole French system.‡ So it was in the controversies between Franklin and Arthur Lee. Adams had been for years in close alliance with the Lee family, but this by itself would not have decided him to espouse, as he said, Arthur Lee's cause against Franklin.§ Arthur Lee, erratic, suspected by Vergennes of at least want of caution in keeping state secrets, without patience or tact or diplomatic skill, could never have impinged upon Adams; whereas Adams found himself when in Paris surrounded and confined by the all-subduing influence of Franklin. Even when it was notorious that he, with Arthur Lee, formed a majority in the legation and were ready at any moment to overrule Franklin, yet it was to Franklin that both the French and English ministries turned, as if he were not only the sole representative of the United States in Europe, but as if he was endowed with plenipotentiary power. This could not be helped, yet it was intolerable to Adams. He declared to

* MSS. Department of State. Since the above was written this extract has been published in the appendix to the second volume of Bancroft's History of the Constitution.

† See 3 John Adams' Works, 316.

‡ Instances of this are referred to in index, title Adams.

§ A letter from John Adams to Samuel Adams, dated at Passy, December 7, 1778, and criticising with great freedom his associates in the American legation at Paris, will be found in 9 Mag. of Amer. History, 467.

Livingston on July 18, 1783, that his position in Paris is "annihilation;" and again, on August 2, 1783, that he "would rather be a door-keeper in Congress than remain in Paris as I have done for the last five months;"* and even when he had Arthur Lee to sustain him, he found himself obliged to say that no matter what arrangement the commissioners might make among themselves, to Franklin alone would foreign diplomatists look as the possessor of authority. There could be no equipoise of dislikes under such a condition. No man of Adams' ability, ambition, and vanity would have consented to be thus reduced, as Adams said, to a cipher. In some important respects this was unfortunate. It led him in his bitterness to take wrong views both of Franklin and of diplomacy in general. "No man," he declared to Gerry on September 3, 1783, "will ever be pleasing at a court in general who is not depraved in his morals or warped from your interests." It added new vigor to the pertinacity with which he insisted on those abortive and indecorous missions to foreign courts which did so much to prejudice our position abroad, and which were not the less unsuccessful from the fact that he advised such of those ministers as he had influence with to distrust both Franklin and France. It came near, through the indiscreet censures on France and Vergennes which he volunteered to Vergennes in correspondence and through the publicity with which he charged France with selfishness and duplicity, in breaking up our friendly relations with France, and it might have achieved that disastrous triumph if he had succeeded in influencing Congress to retain Arthur Lee in the Paris mission and to disgrace Franklin. It led him during the peace negotiations to oppose Franklin's distinctive view that the treaty was not a mere grant of independence from Britain but a partition of the British Empire, leaving the United States in the same position as it left what remained of the British Empire, as to rights not specifically distributed. It made him at least indifferent to Franklin's proposition for an assumption by the United States of loyalist indemnities in exchange for the cession of Canada. But the fault was in a large measure in the action of Congress by which the Paris legation was placed in the hands of a committee of ministers each with indeterminate powers.† And it is eminently to Adams' credit that he perceived this, and advised Congress to retain for the French legation Franklin as sole minister. When, however, the peace commission was organized it seemed necessary for this special purpose to constitute it in such a way as to have in it representatives from the several sections, and to relieve Franklin from the enormous responsibility which would have been cast on him by being the sole envoy for pacification; and in this point Franklin and Adams concurred.

How far influenced by vanity.

§ 132. "I then," subsequently said Hamilton, when speaking of his own observations as a mem-

* See 7 John Adams' Works, 109, 130.

† See *supra*, § 106, *ff.*

ber of Congress, "adopted an opinion, which all my subsequent experience has confirmed, that he is a man of an imagination sublimated and eccentric, propitious neither to the regular display of sound judgment nor to steady perseverance in a systematic plan of conduct, and I began to perceive, what has since been too manifest, that to this defect are added the unfortunate foibles of vanity without bonds and a jealousy capable of discoloring every object. Strong evidence of some traits of this character is to be found in a journal of Mr. Adams, which was sent by the then secretary of foreign affairs to Congress. The reading of this journal extremely embarrassed his friends, especially the delegates of Massachusetts, who more than once interrupted it, and at last succeeded in putting a stop to it, on the suggestion that it bore the marks of a private and confidential paper, which by some mistake had gotten into its present situation, and never could have been designed as a public document for the inspection of Congress. The good humor of that body yielded to the suggestion."*

In this journal occurred the passage quoted by Hamilton: "The compliment of 'Monsieur, vous êtes le Washington de la négociation' was repeated to me by more than one person. * * * A few of these compliments would kill Franklin if they should come to his ears."† In a letter, heretofore unpublished, of December 7, 1783, from Osgood, a Massachusetts delegate, to Adams,‡ the reading of this journal is thus noticed:

"You will pardon me in candidly mentioning to you the effects of your long journal, forwarded after the signing of the provisional treaty. It was read by the secretary in Congress. It was too minute for the delicacy of several of the gentlemen. They appeared very much disposed to make it appear ridiculous."

There is a simplicity in recording such incidents as these and reporting them to Congress, which is at least inconsistent with guile as well as with a capacity to judge of the effect of such communications upon others; but, aside from this, such keen susceptibility to praise, with its counterpoise of irritation and resentment at the withholding of praise, is not a characteristic of a safe negotiator. Had Adams been sole minister at Paris at the time when he addressed Vergennes in terms of such irritation that Vergennes declined to have further intercourse with him, our alliance with France might have been imperiled. Had Adams been the sole negotiator of peace in 1782 it is by no means sure that, subject as he was on the one side to the attraction of flattery, on the other side to the repulsion of suspicion, the immense concessions of

* 6 Hamilton's Works, by Lodge, 396.

† 3 John Adams' Works, 309.

‡ Bancroft's MSS.

Samuel Osgood was born in 1748, became a merchant in Boston, served in the Continental Army in 1775; left the army in 1776; was a delegate from Massachusetts to Congress between 1780 and 1784; was Postmaster-General in 1789–1791, and, on removing to New York became naval officer of the port of New York from 1803 till his death in 1813.

During the Revolution, when in Congress, he was a strong supporter of Samuel Adams.

the peace of 1782, the result in the main of Franklin's calmness, tact, clear intellect, and comprehensive patriotism, would have been obtained. The difficulty was distrust of France, which was then the normal condition of Adams' mind, partly because France was locally the dominant political influence, partly because Franklin was supposed to be unduly friendly to France, partly because he considered himself neglected by France, and partly because he exaggerated the bias of France towards Spain. But on this question the following from Edward Everett is well worthy of acceptance:

"We have the highest admiration of the talent, the political courage, the living ardor, and the unspotted purity of John Adams, the 'Colossus of independence.' None can exceed us in respect for the Spartan firmness, the matchless circumspection, the dignified patience of Jay. But these sentiments may be reconciled with the highest respect for Franklin's sagacity, integrity, and patriotism, and for the sincerity of the French court. There is no *proof* that France was playing us false." (Everett, in 33 North Amer. Rev., 474.)

Zealous in the performance of duty.

§ 133. Whatever may be thought of his tact or judgment, of Adams' zeal in the performance of his diplomatic duties there can be question. His letters, as given in the following volumes, occupy much more space than even those of Franklin. They consist however in a large measure of copious extracts from foreign journals, with occasional discussions of European politics. In some respects they may be useful, as giving notes of current political events; but they do not, because they could not, give us an inside view of political secrets, nor are they a satisfactory record of legation business. That business fell into the hands of Franklin to perform and narrate. Yet of Adams' zeal and industry these letters are abundant proof. And it is difficult not to admire the cheerfulness with which he obeyed the orders of Congress, distasteful as they might be, and the energy which he threw into each new duty imposed on him, however onerous, provided that in the discharge of it he had the leadership.

Changes in his views as to diplomacy.

§ 134. At the outset of his political life John Adams, then in full sympathy with his eminent namesake, Samuel Adams, belonged, as we have seen, to the distinctively revolutionary or "liberative" school of American statesmen.* The work to be done, in their view, was the throwing off of the British yoke, and the instrument of revolution was to be earnest "militia" force. This force, they held, when operating in diplomacy, as well as in war and finance, was to succeed by its own vehement simplicity. Of this policy John Adams was the principal exponent in the line of diplomacy. To carry it out, ministers of straightforward earnestness were to be sent, without invitation, to the leading European continental courts, demanding, in language not to be too deferential, not merely recognition, but

* *Supra*, §§ 2, 4, 11, 15–19.

pecuniary aid.* Adams was the moving power which produced this multiplication of legations. By his advice, against that of Franklin and Vergennes, was Dana sent to Russia on a mission not merely barren but humiliating. In accordance with his policy was the extraordinary spectacle exhibited of Izard remaining in Paris during the whole two years of his fantastic mission to Tuscany, and of Arthur and William Lee traversing central Europe, repelled from court to court with a disrespect which through them reached their country.† It was also in accordance with this view that a blunt candor was adopted by Adams at the outset of his diplomatic career, and that, as a result of this candor, exhibited in certain unnecessary advice given by him to Vergennes, the rupture already spoken of occurred between him and that amiable minister.‡

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* *Supra*, §§ 6, 15, 106.

† *Supra*, § 18.

‡ See Huntington to Adams, Jan. 10, 1781, condemning this want of consideration, and also 7 John Adams' Works, 353; 2 (printed) Journal Secret Session of Congress, 393.

Mr. Lecky on this topic thus speaks: "On February, 1780, John Adams arrived in Paris with instructions to negotiate a treaty of commerce with Great Britain in the event of a peace, but his relations with Vergennes were very stormy. Adams was an able and an honest man, and as he had been commissioner at Paris on the recall of Silas Deane, he was not quite unaccustomed to European ways, but he appears to have been singularly wanting in the peculiar tact and delicacy required in a diplomatist. The terms in which he complained of the insufficiency of the French expeditions to America, the anxiety which he showed, at a time when America was depending almost wholly upon French assistance, to represent his country as completely the equal of France, and to disclaim all idea of obligation, and the sturdy but somewhat pedantic republicanism with which he thought it necessary to assure the minister of one of the most despotic sovereigns in Europe that 'the principle that the people have a right to a form of government according to their own judgments and inclinations is in this intelligent age so well agreed on in the world that it would be thought dishonorable in mankind in general to violate it' (5 Sparks' Dip. Rev. Corr., 299) made the worst possible impression. Vergennes positively refused to hold any further communication with any American envoy except Franklin, while Franklin himself was only able to smooth the troubled waters by disavowing the sentiments of his colleagues. Vergennes was perfectly determined not to make any peace apart from America, and he was extremely anxious not to sever the interests of America from those of France, but he feared greatly that if Adams were suffered to offer a commercial treaty a separate peace might be made between America and England, and that the latter power might then turn her undivided strength against her European enemies. On the other hand, he clearly recognized that a speedy peace had become a capital interest to France. He was fully resolved not to continue the war for the purpose of extending American republicanism to Canada, and, provided the independence of America were actually established, he had no wish to oblige England to make any recognition which might appear to her a humiliation. The independence of Switzerland and Genoa, he said, had never been formally recognized by their former masters, and Spain had delayed her acknowledgment of the independence of Holland till long after it had been established indisputably as a fact." (4 Lecky's History of England, 176.)

He justified this in a letter of February 21, 1782, already quoted, to Livingston, in which he said:

"Wise men know that militia sometimes gain victories over regular troops even by departing from the rules," adding, "I have long since learned that a man may give offense and yet succeed." (7 John Adams' Works, 525, 528.)

But it is evident that as time passed on he became doubtful as to the success of the "militia" system, and of the effectiveness of an entirely unceremonious and unsophisticated mode of dealing with foreign governments. He never, it is true, resorted to anything like trickery in his political procedures, whether domestic or foreign. Of trickery he was not only incapable, but his very attempt at it would, from the simplicity of his nature, have been so transparent as to cease to be a trick. But he began to adapt himself not only to the considerate regard for the feelings of others, which is as essential to diplomatic as it is to social life, but to the rules of the "regular" service, at which he had previously so much chafed. As President he was careful to send to foreign courts the most experienced and courteous statesmen he could find. And so far from flinging abroad ministers without assurances of their reception, he made it a *sine qua non* of his famous pacificatory mission to France that no ministers should go to France unless assurances came that they would be received with the respect due the representatives of a powerful and independent state.

As to his conception of the Revolution.

§ 135. Of his change of political views in other relations notice has been already taken; and it has been seen that with the era of peace, when the time for destruction was over, he left, perhaps not without some little abruptness, the ranks of purely liberative revolutionary statesmen, and betook himself to the work of building up a system in place of that to the pulling down of which he had contributed so largely. And if in this he is open to criticism, this would be not for undertaking constructive work, but for undertaking it as something to be started *de novo*. Under the auspices of the constructive statesmen of the Revolution—by Washington, Franklin, Livingston, and Morris, in particular—a constitutional edifice, not without great opposition from those with whom Adams was politically associated, was gradually growing up under the temporary scaffolding which the confederate system afforded, and this constitutional edifice was soon to take final shape in the Constitution of the United States. But this work was not helped by Adams' publications issued by him when he took up the position of a constructive. Honest and patriotic as he was, it was his tendency to overstate his case, and the arguments he used to show the importance of a new and strong government might, if they had not been qualified by the expositions of the Federalist, have driven from the new constitution some of those who gave it a decisive support.* This, however, does not belong to our present range of top-

*See *supra*, § 4.

ics. It is enough here to say that zealous as Adams was during the Revolution for what he called "militia diplomacy," it was not adopted by him when he took the helm in person.

Samuel Adams.

§ 135a. The voluminous papers of Samuel Adams, in the possession of Mr. Bancroft, the free inspection of which he granted to me, enable an accurate estimate to be made of the character of this remarkable statesman, whose career they illustrate. In the series of large volumes in which this correspondence is entered are given not merely the letters he received during the Revolution, but drafts or copies of letters written by him. Not only are his political views here brought to light without reserve, but in his family letters and in the drafts and memoranda of papers issued or proposed to be issued by him his character, as well as his life, are exhibited with a fullness and naturalness which win entire confidence that we have here exhibited to us the man as he really was. And among his characteristics we discover the following:

Incorruptible in every sense of the term, desiring neither money nor office, and incapable of being swerved from his course by either; accustomed to live with great frugality, and so indifferent to money as to take no pains even to make it for his daily support, he gave untiring energy and single-hearted devotion to the assertion and maintenance of the liberty of the individual against authority. This principle he gathered from the Puritans by whom Massachusetts was settled, and like them he did not trouble himself with the inquiry how far the liberty of one man, if absolutely carried out, may not be a deprivation of liberty in others. Liberty of the individual was under all hazards to be secured and all sorts of despotisms overthrown. To enforce these views he used the town meetings of Massachusetts with skill and zeal that knew no abatement. The field was an admirable one for his purpose. At these meetings there were to be found many high spirited and determined men like himself by whom the cause of liberty was held deserving of every sacrifice, and by these men the town meetings were controlled, and from them delegates were elected to provincial assemblies and to committees of correspondence. In this way men of his own type were chosen as his associates in public affairs, and over them his influence was supreme.

When we read his correspondence we see the source of the elements of this influence. He controlled the elections; and such was his austere purity of character, so earnest and yet implacable his advocacy of the principles he maintained, so keen the logic with which he carried out these principles to their extremest consequences, that those who went to Congress under his auspices were apt to remain in it under his control.

But devotion so uncompromising to the liberty of the individual could not be limited to resistance to authority from abroad. By authority at

home this principle could also be put in jeopardy. To him the town meeting was the primary guardian of liberty, and it was because Congress represented either town meetings, or the equivalent of town meetings, that he regarded it as a proper depository of power. But beyond this he would not go. He was for placing the entire direction of public affairs in the hands of congressional committees acting under the immediate direction of Congress; and he not only resolutely opposed the establishment of departments of finance and of foreign affairs, but when these departments were filled by the election of Morris and Livingston, he not only looked on these eminent men with distrust as intruders on the domain of popular rights, but he almost uniformly threw his influence against the measures they held necessary for the public good. Nor was this all. Washington was in military affairs more or less supreme; and while he respected Washington's moral character and while he was not a participant in any cabal for his removal, yet he opposed almost every project which Washington thought necessary for military success, while he over and over again insisted that Washington's "Fabian dilatoriness" should be overruled by peremptory congressional instructions to attack the enemy no matter at what odds. And the jealousy with which he watched Washington as the embodiment of military power appears from the frequent letters by and to him among his papers, in which the "Fabian policy" of the "great man" is disapproved and his measures for building up the army objected to. And this may be attributed not so much to personal opposition to Washington as to his dislike of executive authority and to his acceptance of the view, elsewhere commented on, that in revolutions heroic and impetuous force is rather embarrassed than aided by the arts of military and diplomatic science, and the mechanism constructed by these arts it can sweep aside by its natural onslaught.

With Franklin Samuel Adams had little correspondence; but among his papers are numerous letters from Arthur Lee, Richard H. Lee, and William Lee, charging Franklin with dissoluteness, disloyalty, and peculation; and when it was known that Arthur Lee's continuance in the French legation would make Franklin's position intolerable, Samuel Adams voted not only to retain Arthur Lee, but to humiliate Franklin by a resolution declaring him to be engaged in "dissensions" in that legation.

The position of Congress when led by Samuel Adams, especially on the question of enlistments, was not unlike that of the Parliament of 1654 when led by Bradshaw. In both cases legislation deemed essential by the executive was refused. In letters written by confidential agents of the British Government in 1781 and the early part of 1782 it was said that Washington's only course in order to sustain himself would be to follow the example of Cromwell and dissolve and even imprison the contumacious legislators; and it was further said that if Washington took this course he would be supported by the army. But Cromwell's dissolu-

tion of parliamentary government was followed in a few years by a restoration of the Stuarts. Washington's submission to the legislative action, however unwise that action was, was followed in a few years by the call of a Constitutional Convention, of which he was president, and by the adoption of the Constitution of the United States.

Two causes, after the war was over, contributed greatly to modify Samuel Adams' jealousy of executive power. In the first place the Continental Congress fell into a decrepitude which drew from him a reluctant confession that it was as a body incapable of administering the federal affairs of the Colonies, and that for such purposes a stronger federal government should be instituted. In the second place Shay's rebellion showed that by town meetings the affairs of States could not be satisfactorily governed, and that a stronger State government was necessary to preserve the peace than that which previously had been his ideal. He adopted, as the result of this experience, the position that both federal and State governments, as co-ordinate sovereign powers, should be supreme in their particular orbits. Hence it was that he accepted the federal Constitution as reported by the Constitutional Convention, on the understanding that amendments should be adopted giving additional security to individual liberty and State sovereignty; and that, when these amendments were passed in substance as he proposed, he gave the Constitution his cordial support. Hence also it was that as governor of the State, in 1794, 1795, 1796, he was resolute in maintaining the supremacy of State law as much against popular tumult on the one side as federal aggression on the other. Yet till his death, in 1803, he maintained, while loyally accepting the federal Constitution, and accepting, though not until after long experience, the necessity of investing the executive and judiciary with powers in their fundamental relations co-ordinate with the legislature, he watched with his old jealousy any encroachment of authority, whether federal or State, over the limits of the law, and he continued to regard England as she then was with the same distrust with which his Puritan predecessors had regarded England under Charles II and he himself had regarded England under Lord North. This brought him into antagonism with the federalists, by whom his election as governor was opposed, and caused him to doubt the wisdom of Jay's treaty and to support Jefferson's candidacy for the presidency. His life then fell into three distinct eras:

(1) That of rightful organization of popular power to overthrow the British rule.

(2) That of the wrong-headed diversion of these forces for the obstruction of the building up an adequate revolutionary government.

(3) That of the rightful and harmonious adjustment of popular and of administrative power, which he advocated and enforced after the perfection of the Constitution of the United States.

CHAPTER XII.

ARTHUR LEE.

Outline of history.

§ 136. Arthur Lee, according to the notice by Sparks, in his Diplomatic Correspondence of the Revolution, was a native of Virginia, and born on the 20th of December, 1740. His early education was finished at Eton College, in England, whence he proceeded to Edinburgh, with a view of preparing himself for the medical profession. Having gone through with the usual courses, he took the degree of doctor of medicine. After leaving Edinburgh he traveled in Holland and Germany, and then returned to Virginia, where he commenced the practice of physic. Not well satisfied with this calling, he resolved to abandon it and apply himself to the study of the law. He went over to London, and became a student in the Temple about the year 1766.

From this period till the beginning of the Revolution Arthur Lee held a correspondence with his brothers, and several other persons in America, respecting the political state of things in England, and the transactions relating to the Colonies. He was warmly attached to the interests of his country, and was appointed by the assembly of Massachusetts to be agent for that colony, as successor to Dr. Franklin, who left England in the spring of 1775. In December of the same year the committee of secret correspondence requested Mr. Lee to act as their secret agent in London, and to transmit to them any information which he might think important. He wrote to the committee several letters while acting in this agency.

When commissioners to the court of France were appointed, Mr. Jefferson, one of the number, declined accepting the appointment, and Arthur Lee was put in his place October 22, 1776. He proceeded from London to Paris, where he met the other commissioners. In the spring of 1777 he went to Spain, by the advice of his colleagues, with the design of procuring aid from the Spanish Government for the United States, in which he was partially successful. On his return to Paris he made a short tour to Vienna and Berlin for similar purposes, and maintained for some time a correspondence of a political nature with Baron de Schulenberg, one of the Prussian ministers. Meantime he received from Congress the appointment of commissioner to Spain, but he never went out of France while acting under this commission. It expired when Mr. Jay was made minister plenipotentiary to that court.

Arthur Lee returned to the United States in September, 1780, and the next year he was chosen a representative to the assembly of Virginia. By this body he was sent a delegate to Congress. While in that capacity he was made one of a commission to form treaties with the Indians on the northwestern frontiers, and was occupied several months in the duties of that expedition. He died in Virginia, after a short illness, on the 12th of December, 1792.*

His political position in England prior to 1776.

§ 137. Of Arthur Lee's course in England, prior to his removal to Paris in 1776, we have occasional glimpses. Abandoning medicine, he became, after due study, a barrister; he was a frequent writer in the public press, and he was in particular the author of a series of papers called *Junius Americanus*, which undertook to apply to British action towards America the same style of invective which Junius applied to British affairs. He was an acquaintance of Paul Wentworth, whose position is described in another page; † and of their relations Governor Hutchinson gives the following notice in his diary under date of April 27, 1775:

"Paul Wentworth called; gave me a long history of his connection with Mr. Lee (Junius Americanus), of his endeavor to stop him from further writing, and of his persuading him to go abroad next summer, *and furnishing him with £300, which he would consider as borrowed.* Wished his brother in Virginia might be of the council there, *and that Lee himself might have the ministry's countenance (under Lord North), or at least their connivance,* for a place in the *city (of London)*, so as to be fair for succeeding Glyn, when he dies, in the recorder's place."

The inference from this is, that down to the final rupture in 1776 Arthur Lee did not consider himself released from his British allegiance, but that, in common with others who afterwards took decided ground on the American side, he was ready to accept official position from the British Government, while at the same time maintaining what were then considered the distinctive liberties of the Colonies. If Hutchinson be correct, Arthur Lee's application, through Paul Wentworth, was not merely for some official position in London for himself, but for a place in the council in Virginia for his brother. But the utmost that we can gather from this passage is that Arthur Lee, in the summer of 1775, agreed to abandon his "Junian" labors, and was an applicant for the ministry's influence in order to obtain a city office. There is nothing, however, in this inconsistent with loyalty to Congress when he took office under it in 1776.

His connection with Wilkes.

§ 138. It is principally in connection with Wilkes that Arthur Lee, when in England, appears before the public. He distinguished himself, so we are told, by an eloquent address to the lord mayor of London, in one of the various London campaigns in which Wilkes was engaged.‡ "Our brother," so writes William

* See also Arthur Lee's Life, by his nephew, Richard Henry Lee, Boston, 1829.

† *Infra*, § 208.

‡ See 1 Life of Arthur Lee, 29–32.

Shippen, a brother-in-law, to Richard H. Lee, on August 14, 1773, "is shining before the livery of London in much-applauded speeches in favor of Stephen Sayre as sheriff of London, and by his eloquence gained a great majority of hands in favor of Stephen Sayre and Alderman Plummer. What strange, impudent Americans! Do you remember Sayre? He was in Virginia some years ago soliciting tobacco commissions, and did not behave well—was in partnership with Dr. Bardt & Co. (*sic*). Arthur gained great applause, says an English paper of 19th June."* His father, William Lee, was elected, in 1775, alderman on the Wilkes ticket, and in a particularly heated contest was one of the two aldermen by whom alone Wilkes was sustained.† Arthur Lee was one of the counsel for Stephen Sayre,‡ who afterwards became his secretary, when Sayre was arrested on a charge of sedition. He was himself defended by Wilkes when he was charged with publishing certain letters which had been surreptitiously obtained.§ And when Beaumarchais visited London he found Arthur Lee at certain convivial assemblages presided over by Wilkes, assemblages which Beaumarchais, himself by no means squeamish, declared to be "libertine."‖ As will hereafter be seen, Arthur Lee took with him into public life some at least of the traditions of the Wilkes school, and the same traditions were not without their influence on Sayre and William Lee, who had entered public life as the disciples and associates of Wilkes.

Wilkes' evil influence.

§ 139. That the school of which Wilkes was the head was singularly profligate and corrupt English authorities agree:

"Wilkes had till very lately been known chiefly as one of the most most profane, licentious, and agreeable rakes about town. He was a man of taste, reading, and engaging manners. His sprightly conversation was the delight of green rooms and taverns, and pleased even grave hearers when he was sufficiently under restraint to abstain from detailing the particulars of his amours and from breaking jests on the New Testament. His expensive debaucheries forced him to have recourse to the Jews. He was soon a ruined man, and determined to try his chance as a political adventurer." (Macaulay's Essay on Chatham; Works, vol. 7, p. 241.)

"Wilkes was a worthless profligate, but he had a remarkable faculty of enlisting popular sympathy on his side; and by a singular irony of fortune he became in the end the chief instrument in bringing about three of the greatest advances which our constitution has made." (4 Green's History of English People, 220.)

"When only twenty-two he married a rich heiress ten years older than himself, of strict Methodistical principles, from whom he was soon after separated, and whom he treated with great baseness. His countenance was repulsively ugly. His life was scandalously and notoriously profligate, and he was sometimes guilty of profanity which exceeded even that of the vicious circle in which he lived, but he possessed some qualities which were well fitted to secure success in life. He had a brilliant and ever ready wit, unflagging spirits, unfailing good humor, great personal courage,

* 28 South. Lit. Mess., 184. As to Sayre's subsequent disreputable history, see *infra*, §§ 150, 192 *ff*.

† *Infra*, § 174; 19 An. Reg., 154.

‡ See *infra*, §192.

§ 2 Wade's Junius, 106.

‖ See 3 Mag. Amer. History, 631.

much shrewdness of judgment, much charm of manner. * * * It is not probable that he had any serious political convictions, but like most ambitious men, he threw himself into politics as the easiest method of acquiring notoriety and position, and he expended many thousands of pounds in the venture. * * * He took a prominent part in censuring the king's speech in 1761, but his speaking was cold and commonplace, and made no impression on the House. The North Britain however, which he founded in the following year, raised him at once to importance. It had little literary merit beyond a clear and easy style, but it skillfully reflected and aggravated the popular hatred of the Scotch. * * * Wilkes, after his release from the Tower, had set up a private printing press in his own house, and among other documents he had printed a parody of the Essay on Man called An Essay on Woman, and also a paraphrase of the Veni Creator. * * * Both the Essay on Woman and the imitation of the Veni Creator were in a high degree blasphemous and obscene." (3 Lecky's History of England, 72 *ff.*)

The House of Lords, before whom the question was irregularly brought, voted the poems to be a "scandalous, obscene, and impious libel," and though the jurisdiction of the house in the matter has been justly questioned, there can be no doubt of the rightfulness of the opinion it expressed.

Wilkes was expelled from the house, and when he was again returned from Brentford by a vote of 1,143 to 296 for Luttrell, the resolution of the house declaring Luttrell to have been elected made Wilkes for the time the representative of constitutional rights.

"Few of the most illustrious English statesmen have enjoyed a greater or more enduring popularity, or have exercised a more commanding power. When, in April, 1770, he was released from prison London was illuminated for joy, and the word 'liberty,' in letters three feet high, blazed in front of the Mansion House. In spite of all the efforts of the court he was elected successively alderman and sheriff, and, after a fierce struggle which lasted for three years, lord mayor, and then once more member of Parliament, and he governed with an almost absolute sway that city influence which was still one of the great forces in English politics." (3 Lecky's History of England, 143.)

And we now know that Wilkes' ostentatious professions of liberalism were as false as his ostentatious professions of libertinism were true.

How far influencing Arthur Lee.

§ 140. Arthur Lee's connection with Wilkes is of interest not only as explaining some of Lee's personal idiosyncrasies—*e. g.*, his recklessness in seizing any immediate instrument that might produce a sensation, his indifference as to the character of the subordinates he employed, his daring restlessness, his prejudices against the Scotch—but as indicating what may have been the first impulse to the alienation which took place between himself and Franklin as soon as they were compelled to act together. Franklin had a distinguished line of acquaintances in London, but they none of them were among the associates of Wilkes. Franklin naturally was much honored by the leaders of physical science, and in politics he was from time to time consulted by Chatham and Burke. But among those who were intimate with Wilkes he had no acquaintance, and he seems even to have shunned Lord Temple, who at one period of his turbid career

gave Wilkes his support. Of Wilkes himself he thus spoke: "I believe that had the king had a bad character and Wilkes a good one, the latter might have turned the former out of his kingdom," and Franklin in the strongest way denounced Wilkes' appeal to the mob in 1768.* On the other hand, among those closely allied to Franklin not a single follower of Wilkes is to be found. It was natural therefore that the adherents of Wilkes should have looked with resentment on Franklin, among whose friends they were not included, and who regarded their master with such marked disapproval.

The Colden Letters: their indication of hostility to Washington and Franklin.

§ 141. The first we hear as to the Revolution from Arthur Lee is in the remarkable letters addressed to "Lieutenant-Governor Colden," of New York, under date of February 13 and 14 and April 15, 1776. These letters are hereafter given, with notes, under their proper dates. The name of "Colden," it is agreed, was adopted by Lee in order to shelter himself from exposure in case of the letters being intercepted, Colden being an uncompromising loyalist, though still in New York. The probability is, as will be seen from the notes hereafter given, that the letters were trusted to a messenger, with directions to give them to Samuel Adams or Lovell, or some other of Arthur Lee's personal friends.†

From these letters the following inferences as to Arthur Lee's position in the spring of 1776 may be drawn:

(1) While unquestionably, notwithstanding the guarded language he felt bound to use, sympathizing with the Colonies, there is nothing to show that this sympathy was different from that at the time expressed by liberals of the Chatham school, as then represented by Shelburne.

(2) He had no attachment to the revolutionary organization as then existing. Of that organization, on its military side, Washington was the head; on the diplomatic side, Franklin. In the remarkable anonymous memorandum attached to the first of these letters (a memorandum the authorship of which by Arthur Lee may be now considered as settled) an appeal is made to affect, in part through the agency of Richard H. Lee, the placing of a New England general at the head of the army; while in one of the subsequent letters the expediency is suggested of bringing over and commissioning a European officer of such high rank as at least greatly to embarrass Washington. And to Franklin specific objection on personal grounds is made. Supposing these letters were meant for Arthur Lee's particular correspondents—Samuel Adams and James Lovell—in Boston, as well as for Richard H. Lee and his family in Virginia, we have here the first accessible

* 2 Franklin's Life and Writings, 158; 2 Jesse's George III, 79.

† The suggestion of Sparks, indeed, as will be hereafter seen, that they were meant for Franklin seems improbable, in view of the fact that in two of these Franklin is objected to as a member of the committee on correspondence. The remarkable way in which they ultimately reached the public archives is hereafter noted.

expression of the adverse combination by which Washington and Franklin were afterwards so much harassed.*

Inaccuracy of Arthur Lee's statement of Beaumarchais' London promise of aid.

§ 142. According to a report of Arthur Lee, made by him in a letter to the committee of foreign affairs, of October 6, 1777, as hereafter given, "about a year and a half ago Beaumarchais came to him in London, as an agent of this [the French] court, and wishing to communicate something to Congress," which was notice of an intended gratuity from France of £200,000 to Congress. This conversation, which is the first of anything like a diplomatic character in which Arthur Lee appears before us, became afterwards the subject of much discussion,† and if it were reliable might give a tone to the attitude of France to us very different from that generally accepted. But the accuracy of Arthur Lee's memory in this respect may be questioned for the following reasons: (1) The improbability that Beaumarchais would have made a statement which was not only untrue at the time but impolitic, and which, in any view, he was without authority to make; (2) the improbability that Arthur Lee would have withheld from Congress for eighteen months a communication so important as he must have considered this had he believed it to be serious; (3) the fact that he made no report on the subject to his colleagues; (4) the fact that he never made the alleged promise the basis of any application to the French ministry; (5) the fact that he made no reference to this statement in his subsequent immediate correspondence with Deane; (6) the fact that he joined with the other commissioners on January 5 and January 17, 1777, in telling Congress that the supplies from France were not gratuitous, but were to be paid for in produce.

It must be kept in mind also that Arthur Lee, in his first letter to the committee of correspondence (of December 31, 1776) showed that he then held that whatever arrangements he then had made with Beaumarchais were unofficial, and were afterwards remodeled, before adoption, by Deane.

That Beaumarchais, in his convivial talks at Wilkes' table, may have indulged in some gasconade as to what France would do for the United States is likely enough; but for the reasons above given there is no ground now to believe that Arthur Lee had any reason to hold that such talk at such a time was a serious statement, which could bind either Beaumarchais or France.‡ Nor, according to what we gather from the next section, did Arthur Lee occupy, at the time of this conversation, such an ostensible official relation to the United States as to give Beaumarchais' talk with him anything of official type.

His stay in London in 1776.

§ 143. In the Life of Arthur Lee, (vol. 1, pp. 55–58), it is stated that "in the winter of 1776 Mr. Lee repaired to Paris by the direction of the secret committee of

* See *supra*, § 11. † *Supra*, §§ 61, *ff*. ‡ See 2 Parton's Franklin, 185.

Congress * * * as their secret agent to improve the favorable disposition of France towards the Colonies. In this capacity he was received and kindly and respectfully treated by Count de Vergennes. * * * From the spring of 1776 until the fall of it Mr. Lee remained in Paris as a secret agent of Congress," and his exploits in that position are then narrated in detail. But, as is rightly stated by Sparks in an article in the North American Review for April, 1830, (vol. 30, p. 489), Arthur Lee, at the period so designated, "did not go at all to Paris by order of the committee or as a secret agent." It was not, as the correspondence hereafter will show, until August 22, 1776, when Deane was already in Paris as the then exclusive agent of Congress, that he wrote to Vergennes to say that "I was this morning informed of the arrival of Mr. Arthur Lee, and that he would be in Paris to-morrow. This was surprising to me, as I knew of no particular affair that might bring him here." It appears also from letters then written by Arthur Lee, to be hereafter given, that on March 19, April 15, June 3, July 6, he was in London, while on June 14 and June 26 letters were addressed by Beaumarchais to him in that city, Lee then taking the fictitious name of Mary Johnston. On July 18 Beaumarchais wrote to Deane that Lee was in London, and on August 10 Deane, in Paris, wrote to Philadelphia of a letter from Arthur Lee evidently at London. On August 3 Arthur Lee wrote from London to Dumas. On August 22, as above stated, Arthur Lee was in Paris, but remained there but a few days, and then returned, his brother William taking his place as London correspondent of Congress. On September 23 and November 15 Arthur Lee was in London; and it was not until December 23 that we have a letter from him dated in Paris. In this letter, hereafter given, which was sent after his reception of the appointment of envoy from Congress in Paris, he announced to Lord Shelburne his determination to leave "a country where from choice I had fixed my fortunes," and to join Franklin, whom he calls at this time "our Pater Patriæ," in the legation at Paris.

Of Arthur Lee's duties in London in 1776 down to December, when he went to Paris, we have no definite information. He still continued to rank, we may gather from his correspondence, among the distinctive followers of Shelburne, while his letters to Congress, in response to their request for information, were rare.

His adhesion to "militia" diplomacy.

§ 144. We have seen that under what Adams called the "militia" system of diplomacy it was thought proper for the young republic to send ministers to demand recognition and loans from foreign courts without first inquiring whether such ministers would be received, and in fact when, in the ordinary policy governing the intercourse of nations, there was every probability that they would be repelled.* The most indefatigable advocate and

* See *supra*, § § 15, 106.

exponent of this system was Arthur Lee. Personally, and through his brother Richard H. Lee, and his friend Samuel Adams, he urged against the counsels of Franklin and the advice of Vergennes that envoys should thus be sent out to obtain recognition and funds; and for this purpose he and his brother William Lee were commissioned to the courts of Madrid, of Berlin, and of Vienna. The ignominious failure of the experiment showed both how erroneous was the policy on which it was based, and how injudicious were the steps taken to carry it into effect. Arthur Lee made his first attempt on Madrid, though he was advised informally, through the Spanish minister in France, that he would not be received. As soon as it was discovered in Madrid that he had entered Spain he was ordered back, in terms made the more humiliating from the frivolousness of the reasons on which they rested. He lingered, and the orders for him to leave became more peremptory, until at last it became obvious to him that he would not be even permitted to reach the capital. He then returned to Paris.*

In Berlin, to which capital he succeeded in penetrating, he was subjected to the insult of having the theft of his papers, by order of the British minister, treated by Frederick the Great as something not to be redressed, on the ground that Arthur Lee was an unwelcome intruder, without any diplomatic privileges whatsoever, though Frederick had previously acknowledged the United States as belligerents, and though, therefore, envoys from the United States were, personal reasons being set aside, entitled to diplomatic protection, as was afterwards maintained by Great Britain herself at the time of the capture of Mason and Slidell.† Nor was there ever an official letter declining to receive a minister couched in terms more contemptuously repellant than that in which Frederick told Arthur Lee that he did not want to be any more troubled with applications for recognition as minister of the United States.‡ Had the advice of Franklin and Vergennes been followed these repulses would not have occurred, since no minister would have been sent to Berlin or Madrid until his reception had been previously assented to. And if these rules of considerateness and courtesy in diplomatic intercourse prescribed by diplomatic usage had been followed by Arthur Lee in his dealings with Vergennes he would not have excluded himself, supposing there had been no other objections to him, from that informal social intercourse with that minister which Franklin

* In dispatches from Grantham, British minister at Madrid, to Weymouth, secretary of state, March 17, March 20, 1777, Florida-Blanca is reported to have chuckled in a conversation with Grantham over Arthur Lee's stoppage in his attempts to reach Madrid. "From M. de Grimaldi's account of him he speaks nothing but English, and is represented as an obstinate man." "The court is resolved to give no countenance to such attempts."

† See *supra*, § 91; Arthur Lee's letter to the commissioners of June 28, 1777, *infra*, with note giving comments, with views of Carlisle and Wraxall; and see *infra*, § 193.

‡ See *infra*, § 175; *supra*, § 91.

enjoyed, and which Arthur Lee, if he had chosen, could readily have possessed. But such was the irritation produced by his habitual discourtesy, and the distrust produced by the disreputable character and suspicious dealings of his secretaries, that Vergennes, always patient and considerate, felt bound to interpose, and on October 29, 1778, wrote to Gerard, the French minister at Philadelphia, that his fear of Lee and of his surroundings (ses entours) precluded the communication to him of state secrets; and Gerard was further instructed to inform Congress that Arthur Lee's conduct had "created the highest disgust" in the courts of France and of Spain, and that neither court had that confidence in him "necessary to give success to the negotiations of a foreign minister." This message was communicated by Gerard to Paca and Drayton, members of Congress, and by them laid before Congress in a letter hereafter given under date of April 30, 1779. Under the same month and those immediately following are given the congressional proceedings in reference to Arthur Lee's recall.

Prevalent opinion as to Arthur Lee's difficulties with Franklin.

§ 145. In that portion of the following volumes which deals with the period of Arthur Lee's diplomatic functions in Europe much space will be taken up with his attacks on Franklin, and the nature of his differences with Franklin are elsewhere discussed.* The topic, therefore, can not be avoided; and before entering on it it may be proper to state what is the prevalent opinion among historical critics on this question.

Of American critics who have discussed our revolutionary diplomatic history no one was more familiar with the then accessible parts of that history than Sparks, and no one, in view of Arthur Lee's avowed attachment to New England men and his close relations to the Massachusetts delegation in Congress, would be regarded on sectional grounds as likely to be more impartial. And of Arthur Lee Sparks thus speaks in the North American Review for April, 1830 (vol. 30, p. 495, *ff.*):

"Sanguine in temperament, credulous, hasty in action, he yielded with a weakness altogether unpardonable to the corroding influences of suspicion, jealousy, and distrust. This habitude of mind, which seemed an inherent quality, drew him into endless disputes and difficulties. He describes himself very truly when he says, 'Unhappily my fate has thrown me into public life, and the impatience of my nature makes me embark in it with an impetuosity and imprudence which increase the evils to which it is necessarily subject.' Aversions, discords, enmities, grew up and thickened around him as he advanced in his public career, which, at the same time they annoyed his own peace, fed the flame of party already too rife in our national councils, and helped to open breaches and perpetuate divisions which operated with a pernicious tendency to the end of the war. These effects of the infirmities of Mr.

* See Lee's Life of Arthur Lee and the editions of Franklin's works by Sparks and Bigelow. The attacks on Franklin by the Lees and Izard, which are necessarily admitted in the following volumes, and which are also from time to time independently published, give, in fact, so erroneous a view both of Franklin and of our revolutionary diplomacy, that in a work on that diplomacy they can not be introduced without an examination of the charges they contain.

Lee's temper on the public interests and transactions of the time make it necessary to touch upon incidents which might otherwise perhaps be passed over without essential detriment to the claims of justice, the cause of impartial history, or the honor of human nature.

"No one who examines the subject can doubt that Mr. Lee's quarrels with Deane, his hostility to Franklin, and his disputes with everybody, a select few only excepted, were the primary causes of the warm altercations and endless perplexities which distracted the deliberations of Congress on foreign affairs during two or three years of the most anxious period of the Revolution, till Congress by a large majority passed a resolution, which certainly does not adorn the brightest page of their journals, 'that suspicions and animosities have arisen among the late and present commissioners highly prejudicial to the honor and interests of the United States.' It would be hard to put all this to Mr. Lee's account, nor do we intend it; but we do say, that he was the primary and most efficient actor in a train of events which produced these consequences.

"The warfare commenced at an early date between Lee and Deane, and the first spark of the kindling flame was a spark of jealousy. Our readers will remember the interview between Mr. Lee and Beaumarchais in London, and the plan concerted between them for sending two hundred thousand pounds sterling to the aid of the Colonies. When Beaumarchais left London Mr. Lee seemed to consider this plan as matured, and that it would be executed in conformity with their arrangements. He gave notice accordingly to the committee of secret correspondence, and letters passed between him and Beaumarchais on the subject. While the affair was in this favorable train, as he supposed, Deane arrived in Paris, and Beaumarchais, abandoning his first project, made new arrangements with this agent, and prepared to send the supplies through channels quite different from those heretofore suggested. By this scheme also Mr. Lee's agency was entirely dispensed with. This turn of the business was not relished by Lee, since it deprived him of the merit and honor of being the medium through which supplies so bountiful and seasonable were transmitted to his country, and of the estimation which such an event would procure for him in the eyes of Congress. He hastened over to Paris, and from the extract of a letter to Count de Vergennes, which we have already quoted, we learn the humor in which Deane was disposed to receive him. As Deane had been led into the engagements with Beaumarchais at the solicitation of this gentleman, without knowing what had been done in London, he looked upon Lee's interference as officious, and was evidently not in a mood to receive or treat him with much cordiality. At all events, their interviews in Paris produced anything but friendship, and Mr. Lee returned to London without effecting any change in the scheme which had been agreed upon between Beaumarchais and Deane. Thus were sown the first seeds of discord which afterwards attained so rank a growth among the agents of the United States abroad and their friends at home.

"About three months afterwards Mr. Lee went back to Paris and joined Franklin and Deane as one of the three commissioners from Congress. Nothing had occurred in the interim to subdue or quell the feud that had previously begun, and it was now increased by the circumstances of the moment. Just at this time Beaumarchais was in great embarrassment on account of the obstacles thrown in his way by the government, to prevent his shipping the articles which he had got in readiness and for the transportation of which vessels had been chartered and were retained at a large expense. Mr. Lee showed no sympathy with Deane on this occasion, and perhaps it was natural enough as things had turned out that he should be quite willing to let the responsibility and vexation of the enterprise rest on his colleague, who was to share all the honor of its success. Nor does it appear that Deane had any unwillingness to endure the one for the sake of the other. Hence each had his consolation in his own way, but drawn from sources so widely asunder as to afford but a discourag-

ing prospect of a speedy union of sentiment or feeling between these two rival commissioners.

"At length Mr. Lee went to Spain, and Franklin and Deane remained in charge of affairs at Paris. As the mercantile transactions had been in the hands of Deane from the beginning, and as he was the only commissioner acquainted with them in detail, he was still considered as the fittest of the three to have a chief control of this department. Franklin made no pretension to a knowledge of mercantile matters, and Mr. Lee's habits had been as little in this line as his own, whereas Deane was a practical merchant. By reason of Mr. Lee's visits to Spain and Prussia he was absent from Paris a large portion of the time during the first seven months after the meeting of the commissioners. It is impossible therefore that he should be well versed in their proceedings, or know the reasons and motives by which his colleagues were guided in any particular act or determination; and more especially as he and Mr. Deane had been on such terms from the outset as to forbid any explanatory intercommunications of this sort between them.

"Another ingredient in the cup of calamity Mr. Lee found, or imagined he found, on his return from Prussia. Mr. Deane's visits to Versailles were frequent, which indicated that he was well received by the ministers; his residence in Paris had procured him many acquaintances among persons of eminence, which brought him into notice and gave him consequence; his mercantile transactions had connected him with persons of business and opened a wide field of correspondence, which also contributed to his importance. Mr. Lee was comparatively a stranger and had none of these advantages; and what was probably keenly felt by a temper so sensitive as his, Deane made it no point of delicacy to place himself on as high a pedestal as his good fortune enabled him to mount, leaving his less favored colleague to stand in such a niche as he could find at hand. No courtesy or good-will was lost on either side. Deane was by nature formal, cold, slow, and fond of parade; Lee was ardent, rapid, eager, and regardless of forms where he could come quickly to the reality and the substance. It is obvious that there could be no commingling of such principles as these, and the more closely they were brought in contact the greater would be the strife of the discordant elements.

"It was now that the characteristic foible of Mr. Lee began to show itself. He conceived the notion that all the friends of Deane must be his enemies. Then came over his mind strange visions of plots and intrigues and combinations formed to mar his peace, defame his character, and injure his reputation. He believed it was a part of the business of this knot of adversaries to write paragraphs to his discredit and procure their insertion in the European gazettes and to take care that they were repeated in the American papers. He conceived them to be busy also in writing letters of the same purport, and thus to be infusing a poison not only into the public mind, but into the mind of individuals whose good opinion was important to his fame and success. At the head of this formidable league in his imagination was placed Mr. Deane, by whose arts and machinations it had been brought into being while he was absent in Prussia. * * *

"It seems to us that there is another and much deeper cause of the settled enmity of Mr. Lee to Dr. Franklin, which he never pretended to conceal in conversation, or in writing to his friends, after he had been a few months in Paris. It is well known that all of his interest and that of his friends in Congress were used to procure Dr. Franklin's recall from France, with the view of securing Mr. Lee's appointment in his stead. His letters were filled with censures of Franklin's conduct, boldly affirming his unfitness for such a station, and at all events recommending that, if it was impossible to effect his recall, he should be sent to an interior government, where he could do neither harm nor good. A few paragraphs from Mr. Lee's letters will set this subject in a clearer light. To Samuel Adams he writes, on the 4th of October, 1777: 'I have within this year been at the several courts of Spain, Vienna, and Berlin, and

I find this of France *the great wheel that moves them all.* Here, therefore, the most activity is requisite, and if it should ever be a question in Congress about my destination, *I should be much obliged to you for remembering that I should prefer being at the court of France.*' (Life, vol. 2, p. 113.) Again, on the same day he writes to his brother, Richard Henry Lee, then in Congress: 'My idea of adapting characters and places is this: *Dr. Franklin to Vienna, as the first, most respectable, and quiet;* * Mr. Deane to Holland; and the alderman (William Lee) to Berlin, as the commercial department; Mr. Izard where he is; Mr. Jennings at Madrid, his reserve and circumspection being excellently adapted to that court. France remains the center of political activity, and here, therefore, I should choose to be employed.' (p. 115.) Again, to Richard Henry Lee: 'Things go on worse and worse every day among ourselves, and my situation is more painful. I see in every department neglect, dissipation, and private schemes. Being in trust here, I am responsible for what I can not prevent, and these very men will probably be the instruments of having me called to account one day for their misdeeds. There is but *one way* of redressing this and remedying the public evil, that is the plan I before sent you, of appointing the doctor, *honoris causa*, to Vienna, Mr. Deane to Holland, Mr. Jennings to Madrid, and *leaving me here.* In that case I should have it in my power to call those to an account through whose hands I know the public money has passed, and which will either never be accounted for, or misaccounted for by connivance of those who are to share in the public plunder.' (p. 127.)

"Here truly is a most persuasive argument for Congress to make Mr. Lee minister to France. What a frightful picture is here drawn of the mismanagement, disorders, and distracted condition of the American affairs at that court, and what deplorable consequences must ensue unless that '*one way*' is resorted to, of sending Dr. Franklin to the capital of Austria, and setting Mr. Lee to turn the '*great wheel*' at Paris, by the magical movements of which, under his control, an infallible remedy will be applied and a radical reform suddenly effected.

"In another letter to Samuel Adams the same alluring prospect is again held out on the easy conditions only of the same arrangement: 'If Mr. Lloyd is appointed agent, *Dr. Franklin sent to Vienna,* Mr. Deane to Holland, *and I am left here,* we shall all act in concert, and not only have a full inquiry made into the expenditure of the public money, but establish that order, decency, and regularity which are lately banished from the public business at present, so as to involve us in continual confusion and expense.' (p. 137.) Here we have the same modesty in the proposal, and the same temptation to comply with it. But we shall not tax our readers with remarks on these extracts. Their language and their purpose are but too plain. We need not even ask whether a man with such designs in his head is to be credited for immaculate disinterestedness in representing the disabilities or disqualifications of a public officer whom he is thus covertly attempting to undermine and supersede. Nor need we ask whether the vague charges of a man under such a bias, unless accompanied with proofs bearing the marks of truth as if written with a sunbeam, ought to weigh with a considerate mind more than a feather or a straw. Mr. Lee abounds with charges, but seldom with facts to support them. In the above extracts, for instance, he charges *somebody* with neglect of duty, dissipation, private schemes, misdeeds, public plunder, and other heinous misdemeanors. But *who is it?* That is a secret which he keeps to himself. Where were these acts committed; when, how, and to what end? This is all a secret, and you are left to conjecture, suspect, and wonder. The only thing of which you are made positively certain is that if Dr. Franklin can be got off to the quiet retreat of Vienna and Mr. Lee is left to control affairs in the bustling world of Paris all disorders will cease, and a new era will commence in the young annals of American diplomacy."

Tucker, in a note to his Life of Jefferson, 1, 166, speaks of Arthur Lee as "singularly

* See *supra*, § 126.

impracticable in his temper and disposition;" adding, "he seems to have been one of those who rarely lose an opportunity of complaint, or censure, or contradiction."

Mr. Bancroft, in his history, thus writes:

"The United States were to be represented in France to its people and to the elder house of Bourbon by a treacherous merchant, by a barrister who, otherwise a patriot, was consumed by malignant envy, and by Franklin, the greatest diplomatist of his century." (9 Bancroft's United States, 133.)

By Hildreth* Arthur Lee is spoken of as an "unquiet, envious, irritable, and suspicious man, very anxious to obtain for himself the sole management of the mission."

Loménie (1856), a member of the French Institute, in the work already cited (3 Beaumarchais and His Times (English translation) 133), writes:

"Having had occasion to study closely the works of the American deputation at Paris, we can affirm that Arthur Lee's assistance was very insignificant, that he had no credit with the French Government, which suspected him either rightly or wrongly of having secret connections with the English Government, and that he really played in connection with it the part of the fly in the fable of 'La Mouche du Coche.' This perfectly explains his permanent irritation against his two colleagues."

By Schlosser, in his History of the Eighteenth Century, it is said:

"Silas Deane was soon recalled by Congress, and Lee had made himself an object of suspicion and hatred, although from very different causes. The whole rested upon Franklin and every one regarded him as the image of that ideal and poetic democracy which Rousseau had so charmingly described." (6 Franklin's Works, Bigelow's ed., 141.)

Mr. Parton's criticism is as follows:

"Of Arthur Lee posterity will know little more than that he was the enemy of Franklin. Unless the reader of these lines is an exceptionally well-informed or an exceptionally ill-informed person, there is in his mind at this moment a lurking distrust of Franklin's absolute sincerity which could be traced back through various channels of calumny to the peculiarly constituted brain of Arthur Lee." (2 Parton's Franklin, 12.)

"The great defect of his character was an extreme and morbid propensity to think ill of other men's motives. * * * Even John Adams, his particular friend, himself too prone to suspicion, admitted that Arthur Lee 'had confidence in nobody, believed all men selfish, and no man honest or sincere.'" (*Id.*, p. 14, citing 3 John Adams' Life, etc., 188.) In this we find the training of Wilkes, one of whose maxims it was to hold professions of morality and of high political principle in others to be as false as he confessed they were when made by himself, and to treat selfishness as the governing principle in human nature and hypocrisy as the normal condition.†

Doniol, who in the preparation of his elaborate work entitled La participation de la France à l'établissement des États-Unis, of which the first two volumes were published in 1886, had the advantage of being the first historian to have access to the entire French archives of that period, thus writes:

"In concert with the secret agent whom Franklin had left in his place at that capital, he had prepared the way for an active participation by the government of the king in the resistance of the insurgents. This agent, a Virginian named Arthur Lee, was studying for the bar in England when the celebrated American left that country. He had made something of an impression on him by the active zeal he manifested, but scarcely deserved the great confidence which the Versailles intermediary and other friends of America placed in him. The spies of the foreign office had access to him, and he will afterwards introduce them even to M. de Vergennes. But the Philadelphia committee of secret correspondence had hastened to communicate with him, so that Wilkes, the parliamentary opposition, all whom were occupied or animated with the idea of supporting the Colonies, sought information of him, gave it to him, and re-

* 3 History of the United States, 1st series, 267.

† See *supra*, § 139.

garded him as the actually authorized representative of the insurrectionary Colonies. Beaumarchais had therefore returned, very anxious to carry out what he had been permitted to begin." (1 Doniol, 368.)

And afterwards:

"Quant à Arthur Lee, on le tenait en dehors le plus possible, son ambition envieuse et brouillonne rendant fâcheux de l'employer, et ses procédés insidieux l'ayant déjà mis assez mal avec ses deux collègues pour que Franklin ne tardât guère à lui déclarer la médiocre estime des laquelle il le tenait."

This may be translated as follows:

"As for Arthur Lee, he was kept as far as possible outside (probably out of the negotiations, business, or affair), his envious and quarrelsome ambition rendering it disagreeable to employ him, and his insidious course having already placed him on such bad terms with his two colleagues that Franklin did not hesitate to inform him of the moderate esteem he entertained for him."

In 1 Hale's Franklin in France (Boston, 1887, pp. 41–43), a work marked as much by literary skill as by historical research, it is said that Arthur Lee "caused as much trouble to his fellow commissioners, first and last, * * * as did the backwardness of the French ministry, the zeal of the British cruisers, the laxity of the overpressed Continental Congress across the water, and the low state of American credit all put together. * * * He was one of those characters which, though probably reasonable enough to their possessors, seem to others to be almost miraculous in their littleness and meanness. * * * He hated Franklin on his arrival because, on account of the wildly enthusiastic welcome accorded the sage, he himself seemed to be reduced from first and second place to third or even fourth. He was angry with the French for not being sufficiently forward; with the Spaniards for being very backward. His own undertakings had all been unsuccessful. If we consider the effect of all this upon a wildly ambitious but still very cramped, narrow, and envious nature, we shall easily evolve Arthur Lee's behavior."

The dispatches and letters of Arthur Lee and Izard, giving their view of their controversies with Franklin, which began shortly after Lee's arrival in Paris and continued until his withdrawal from the legation, are hereafter given; and with them is now published the action of Congress which followed. It is enough now to say that Congress at first wavered under the shock reported in these papers.

Gerard, then French minister at Philadelphia, reported to Vergennes the dangers of the crisis, which he considered himself as being not without merit in surmounting. "The stories," he said, "of Mr. Arthur Lee are but an absurd tissue of falsehoods and sarcasms, which can only compromise those who have the misfortune of being obliged to have any correspondence with him. Permit me, monseigneur, to congratulate myself at least on having relieved you of this burden." And in another note: "I explained myself (to the committee) gradually, and not until the very moment when it was indispensable, to prevent this dangerous and bad man (Arthur Lee) from replacing Franklin, and being at the same time charged with the negotiations with Spain. I can not conceal from you that I rejoice every day more and more in having been able to prevent this misfortune." *

The congressional action on the dissensions in the legation are hereafter detailed under their proper dates. †

His jealousies, amounting to monomania, influencing his family and friends.

§ 146. The politics, both foreign and domestic, of the Revolution can not be fully understood without taking into consideration the monomanial character of Arthur Lee's political jealousies and the influences they had on his family and on the political friends of his brothers and

* Beaumarchais and His Times, 320, as copied in 2 Parton's Franklin, 383.

† See index, titles Congress, Franklin, Arthur Lee.

of himself. Jefferson struck at this when he spoke, many years afterwards, in a letter already quoted, of the "malignity" of Arthur Lee operating not merely on his family but on his Massachusetts connections, and, through his close alliance with Izard, on the South Carolina delegation. This bitterness reached all by whom he considered himself crossed, and it eminently fell on those who took ground in favor of distinct executive departments. Of this we have an illustration in his denunciations of Jay and Morris and his insinuations of their corruption, given in the next section. Nor was this bitterness confined to himself.

It will be presently seen * how powerful at the time was his family influence in Congress. His brother, Richard H. Lee, whose eloquence as a popular orator was considerable and whose character for integrity was above suspicion, shared Arthur's jealous dislike both of Washington and Franklin. The "Colden" letters, whose covert object was the withdrawal of supreme command from Washington, were to be shown by Arthur Lee's direction to "R. H. L.," who would know from whence they would come. As to Washington, it is true the hostility of the brothers was somewhat masked.† But it certainly was not masked as to Franklin.

Thus we have the following in a letter of August 21, 1780, from Richard H. Lee to Arthur Lee:

"I must confess that I was surprised you had so far put your return to America in the power of Dr. Franklin as to commit yourself to the alliance. The conscious guilt of that old man, and the wicked enmity he has practiced and encouraged against you, must conspire to make him fear your arrival here, and instigate the fullest exertion of his art and malicious cunning, supported by his present power, to procure your detention in Europe. A thousand plausible pretexts would not be wanting to effect that purpose. It will give me infinite pleasure to learn that you are removed from the sphere of that wicked old man's power and influence."‡

And yet down to this very time Franklin had not lifted a finger to repel the attacks which Arthur Lee had been making on him in public as well as in private with the ferocity and recklessness which are exhibited in the text.

Arthur Lee's detailed charges against Franklin are given in full in his memorial to Congress of May 1, 1779, and appears in 6 Franklin's Works, Bigelow's ed., 368.

In the Lee collection in the Harvard Library is a letter from Richard H. Lee to F. L. Lee, dated Philadelphia, April 26, 1779, on the same topic and in the same line.

Richard H. Lee's estimate of Franklin may be compared with that of Washington.§

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* *Infra*, § 153.

† See, however, *supra*, § 11. See in the same section a passage in which Washington speaks with a severity very unusual with him of Richard H. Lee's political course. As to the monomania by which the Lees and Adamses were possessed as to executive power, see *infra*, § 209.

‡29 South. Lit. Mess., 435. The manuscript of this letter is in the collection in the University of Virginia.

§ *Supra*, § 113.

Samuel Adams was as upright as he was able, but the maxim that liberty could only be maintained by sleepless jealousy of authority was ingrained in his nature not merely by his long opposition career in Massachusetts, but by his puritanic traditions.*

Under the best of circumstances Franklin would probably have appeared to Samuel Adams as a Gallio; nor does it seem that between them there was ever any correspondence. But the correspondence between Samuel Adams and Lovell, also a leading Massachusetts delegate, on the one side, and Arthur Lee on the other, was intimate and constant. It began with Arthur Lee's election as agent for Massachusetts at London, and it was kept up not only, as Jefferson says, by this circumstance, but by the attachment felt by Samuel Adams and his associates to Richard H. Lee, who shared the instinctive distrust felt by the great Massachusetts leader of executive authority in any shape. In the Samuel Adams manuscripts, already referred to as among the papers in Mr. Bancroft's collection, there are numerous letters showing how fully Arthur Lee's jealousies were injected into both Samuel Adams and Lovell. How Arthur Lee wrote to Samuel Adams, without any dissent in reply, may be judged from the following:

"I have looked near, long, and narrowly at a person who has been and is the father of all this shameful business. Neither my reading, experience, nor imagination can furnish me with the idea of a mind more corrupt, nor that labors with more cunning and systematic constancy to carry that depravity into execution. The ministers have wisely withdrawn one instrument of this corruption before he has made a fatal stroke. I will not answer for the consequences if you do not follow their example. Surely a man of sense, of honor, integrity, and education may be found to represent you with dignity, and put an end to all this baseness and pilfering. I am sick and ashamed of it. We shall fall into such vileness soon that nothing will retrieve our character. The meanest of all mean men, the most corrupt of all corrupt men, is assimilating everything to his own nature." (Arthur Lee to Samuel Adams, May 22, 1779, Bancroft MSS.)

In a succeeding paragraph of this same letter we have the following:

"I can with much confidence assure you that the conduct of M. G. (Gerard) is very much disapproved by the minister, and that any compliments to him upon his taking leave will be unpleasing here. As far as I can judge, his successor is of a very opposite character, and will pursue a very different line."

This was wholly without authority. Gerard, in sustaining Franklin, acted under Vergennes' express instructions; and these instructions were carried out by Luzerne even more effectively than they had been by Gerard.

It is impossible to explain these passages, except on the ground of monomania. The baselessness of the charge against Williams, who is referred to in the second sentence, is hereafter noticed;† and the charges made in the next sentence against Franklin bear want of reason on their face. But even more significantly is this monomania exhibited in the second extract. Gerard's conduct in protesting against Arthur Lee's course

* *Supra*, § 8. † *Infra*, §§ 186 *ff.*

was not disapproved of by Vergennes, but was expressly directed by him, as the correspondence elsewhere given shows. Arthur Lee, in May, 1779, had no relations with Vergennes, and if he had, he never would have learned from Vergennes that Vergennes disapproved of the course of Gerard. Luzerne did not come to America to "pursue a very different line from Gerard," but was instructed to follow up Gerard's course as to Franklin and Lee, which he did. The object of this letter was to disgrace, through Samuel Adams' agency, not merely Franklin, but Gerard, the purpose being the transfer of Franklin's post to Arthur Lee. This Arthur Lee had a right to desire to see effected; and of his honesty in making statements such as those given above no doubt need be expressed. But in very proportion to our belief in their honesty must our belief in his monomania grow in strength.

Arthur Lee, on April 17, 1780, addressed from L'Orient a note to Gerard, calling him to account for the opinions he had expressed to Drayton and Paca, and saying that, unless they are explained, "I shall be induced, if not better informed, to treat your assertions in a manner that I should be sorry for had I reason to believe there was the least foundation for them." Gerard, on April 28, 1780, replied: "The different objects which you mention being purely ministerial, I can not, nor is it my duty to, render account of them to any other persons than my sovereign and his ministers. This is the only answer which I have to make to your letter. You will attempt in vain to provoke another by any means whatever, and nothing will change my sovereign indifference to the execution of your menaces." To this Arthur Lee, on May 11, 1780, answered, disclaiming any menaces, and saying to "the sovereign indifference which you boast of in regard to me, I have only to add an assurance of the sovereign contempt with which I have the honor to be," etc.

As to Vergennes' "displeasure" with Gerard, Sparks, in a memorandum in the Harvard Collection, volume 32, thus writes:

"This is all a mistake. I have read the entire correspondence between the French ministers and M. Gerard while he was in Philadelphia, and his conduct was approved in the highest terms."

And Arthur Lee himself, in a letter to Loudon Lee of May 28, 1779, in the Harvard Collection, volume 32, writes that he had just had a conversation with Vergennes, who "did not express the least disapprobation of the conduct of Gerard, Holker, and Chaumont, than which nothing could be more base and outrageous."

As another illustration of this monomanial jealousy may be given the following:

"The wickedness of that old man (Franklin) is beyond example, and his good fortune in escaping the punishment due his crimes is as extraordinary. It may be proper to inform you that the present secretary for foreign affairs (R. R. Livingston) is a decided partisan of Franklin and an enemy to Mr. Adams. Like a number of other patriots here, he praises the former by rote and undertakes to tutor the other. Whatever you see or receive from him you may consider as dictated by the French minister." *

Of Livingston we shall have occasion to speak more fully hereafter.† In speaking of him, when writing to Dana, as an enemy of Adams, Arthur Lee took the very course most likely to arouse Dana's sympathy,

* A. Lee to Dana, July 6, 1782; Sparks, MSS., Harvard Library, vol. 32.

† *Infra*, §§ 180–181.

as Dana owed his promotion to Adams, to whom he was much attached. But it was not true that Livingston was a tool of France, though Arthur Lee no doubt thought he was. To the entire fairness and independence of Livingston's diplomatic papers in all matters in which France was concerned there are no critics now who do not bear testimony.

Of Arthur Lee's course in reference to Paul Jones and to Landais notice is elsewhere taken. (See index, Jones, Landais.) Paul Jones' view of Lee's course is shown in a letter to Morris, June 27, 1780, (Cong. Library MSS., volume 9), in which he complains of "Mr. Lee's late conduct and duplicity in stirring up a mutiny" on the *Alliance*.

Effect of Junian training on his style.

§ 147. Yet, aside from this monomanial jealousy, we may find an explanation both of the intensity and of the inapplicability of Arthur Lee's invectives in the style of literature adopted by the "Junian" school, of which as "Junius Americanus," which is the title he for a time selected for himself, he was a conspicuous disciple. The writings of Junius, according to Lecky, "became for some time the favorite model of political writers, who, though they could not rival him in ability, often equaled and sometimes even exceeded him in scurrility and falsehood."* He "never drew a portrait," says the same able critic, "which even approximated to truth. His enemies are all villains of the deepest dye, and his chief task is to diversify and intensify the epithets of hatred."† It may perhaps be said of Arthur Lee that, as a follower of Wilkes and an admirer and imitator of Junius, he applied to those whom he denounced, without being fully conscious of their violence, the terms of denunciation which had made Junius so famous. That this was done without regard to their appropriateness is illustrated by the way, as will be seen in the next section, in which he transferred to the Scotch in America the obloquy Junius poured on the Scotch in Europe. In the denunciations poured on Franklin by himself and Izard (and they show a common origin) we find similar inappropriate transfers of Junius' invectives. It is true that this was done once or twice with some little effect. There was no monstrous violation of probability when to Franklin were applied the terms descriptive of sedate cunning which Junius gave of Mansfield. But a sense of entire unreality comes over us when in another paragraph we find Franklin flaunting the robes of audacious youthful libertinism in which Junius delighted to paint the Duke of Grafton. And this sense of unreality increases when we find that to other objects of Arthur Lee's dislike equally inappropriate vituperations were applied.

He criminated others as well as Dr. Franklin. Relative to the transactions of Congress in the affair of Mr. Deane, after that commissioner returned from France, he wrote:

"PARIS, *May* 28, 1779.

"There is, you may depend upon it, some deep design against our independence at the bottom. Many of the faction are, I know, actuated by the *desire of getting or retaining the public plunder;* but, besides this, Duane, Jay, Morris, and others, *who*

* 3 Lecky's History of England, 246. † *Id.*, p. 239.

were originally against our independence, have it certainly in view to bring us back to our former denomination. Besides the invincible desire such men have of seeing their system triumphant, you know what offers of emoluments and honors have been thrown out as a reward for those who will effect this so much desired end for the king and his ministers. The same men who have been tempted by avarice to plunder the public, have avarice, vanity, and ambition to tempt them to sell the public." *

Again he wrote to J. J. Pringle:

"PARIS, *August* 3, 1779.

"So effectually have the seeds sown by the father of corruption here prospered both in Europe and America, that everything yields to it. Dumas has been at Passy some weeks, but is not permitted to come near me. Sayre tells me his object is to get the agency for a loan into the hands of a French house. If he offers good *private* reasons it will embarrass the good doctor exceedingly, because the house of Grand, in whose hands it is at present, is in partnership with Deane (in which probably the doctor may share), and therefore it will wound those honorable and friendly feelings which bind them together. As to the public, that is out of the question." (7 Franklin's Works, Bigelow's ed., 45, *n.*)

"Mr. Arthur Lee in London had heard some insinuations against Mr. Jay as a suspicious character, and had written to his brother, Richard Henry Lee, or to Mr. Samuel Adams, or both, and although they were groundless and injurious, as I have no doubt, my friends had communicated them too indiscreetly, and had spoken of Mr. Jay too lightly." (Adams' Autobiography; 3 John Adams' Works, 5.

So on his treatment of the Scotch.

§ 148. We have already incidentally noticed Arthur Lee's transfer to the Scotch in America of Junius' attacks on the Scotch in England. Junius, prompted by his hatred of Mansfield and Bute, and by the political motives he had to effect their humiliation, expatiated at length on the baseness, the meanness, the cowardice of the Scotch. So did Arthur Lee, though to avenge what political wrongs or to effect what political purpose it would be impossible, so far as concerns the American Revolution, to say. The Scotch had little or nothing to do with the oppressive action towards America, which was due to typical Englishmen, such as George Grenville, Charles Townshend, and Sandwich. The vituperations by Junius of Scotland, together with his other vituperations, had been silenced it was supposed by bribes. Yet by Arthur Lee those cries of "Beware of the Scotch" had been caught up long after Junius had ceased to utter them, and were hurled at Congress with a constant vehemence which shows how unaware he was of their utter want of appropriateness and of propriety. Thus he tells Congress in his dispatch of June 3, 1776, to beware of "the Scots, whose perfidy you know can never be trusted," Scots being "to a man treacherous and hostile;" and on September 23, 1776, that the "principles of a Scotchman" make him "subtle, proud, tyrannical, and false." Yet on the very committees whom Arthur Lee addressed were Scotchmen, or men of Scotch descent. There was Witherspoon, born in Scotland, educated at Edinburgh, a lineal descendant of John Knox, president of Princeton College, a signer of the Declaration of Independence, a member of the secret com-

* Letter to Loudon Lee, now in the Sparks Collection at Harvard College, vol. 32.

mittee, and not only a devoted revolutionist himself, but the teacher from whom many eminent patriots drew their revolutionary principles. There was McKean, of Scotch descent and strong Scotch-Irish characteristics, a member of Congress during the whole war, a signer of the Declaration, "hunted like a fox" by the British during their occupancy of Pennsylvania, moving his family five times in the course of five months, who was also a member of the same committee.

Among the signers of the Declaration also, and having seats in subsequent Congresses, were Abraham Clark and James Wilson, both born and educated in Scotland, the latter an eminent jurist and judge of the Supreme Court of the United States; while Philip Livingston, and his illustrious nephews, Robert R. Livingston and Brockholst Livingston, then in public life, were Scotch in immediate descent. Splendidly conspicuous in the naval service, dazzling by the unparalleled brilliancy of his achievements the eyes of Europe as well as of America, was John Paul Jones, a Scotchman by birth, who, when Arthur Lee wrote, on September 23, 1776, had been cruising for nearly a year with marvelous success on the Atlantic, and who afterwards became the object of Arthur Lee's pertinacious dislike. And among the Scotch then in the armies of the United States, so marked for their gallantry that the most careless observer must have noticed them, were General McIntosh, General McDougall, and General St. Clair; while William Alexander, claiming the Scotch earldom of Stirling, was then major-general; and, thereafter to become more illustrious than them all though then comparatively unnoticed, was Alexander Hamilton, of West Indian birth and Scotch parentage. It is only on the ground of a monomania which blinded him both to fact and propriety that we can understand the uttering and re-uttering in public papers, with such an array of Scotchmen before him, of the cry "Beware of the Scotch."

Franklin's case against Arthur Lee and Izard.

§ 149. Could Franklin have avoided the collisions with Arthur Lee and Izard which came near wrecking the French-American alliance? That he should have wantonly quarreled with them is inconsistent with his personal and political characteristics. The maxim often quoted by him, and uniformly acted on by him, is that there is no such thing as a *little* enemy. Now here were *big* enemies, whose enmity was calculated not only to have embittered his life, so far as it was susceptible of being in this way embittered, but of disgracing if not of ruining the cause of his country. Yet there is no doubt that, by his refusal to inform Arthur Lee, when his colleague in Paris, of the maritime expedition intended by France, as well as some of his most confidential and important conferences with Vergennes, Arthur Lee's enmity, already stimulated by a desire to get Franklin out of his way so that he could be sole negotiator at Paris, was aroused to frenzy, while the refusal to confer with Izard at all on matters relative to the French negotiations led to exhibitions of rage

on Izard's part which put in writing, shown about in Paris, and sent to Congress, increased to a perilous extent the dangers to which the legation was already exposed.*

Was it in the power of Franklin to quiet these animosities by taking Izard and Arthur Lee into his full confidence? Whether, if he did, they would have proved useful colleagues is a question that may be be reserved. We have first to ask, ought he to have told them all he knew about the mission? As to Izard, it is plain that not only was Franklin not bound to communicate to him secret political information derived from the French ministers, but that it would have been a breach of duty to France to make such communications. Izard was not commissioned to the French court, and though an envoy *in partibus*, never visiting the seat of his legation or even leaving Paris, it was no more proper for him to be informed of the progress of negotiations with France than it was for any other person in Paris to be so informed. Then, aside from ordinary diplomatic usage, was Vergennes' positive injunction that, in view of the danger to the allies of a disclosure of their plans, those plans should not be disclosed to Izard, and then also the fact that whatever Izard was told Arthur Lee would at once know.†

Arthur Lee's position was in an important respect different from that of Izard. When Lee was a member of the commission to treat with France, it was impossible for Franklin to exclude him from knowledge of any diplomatic conferences with Vergennes which took the shape of action by the United States. But it was necessary, for reasons to be presently given, that all communications to Arthur Lee as to public affairs should be made with the greatest reserve.

That Franklin gave Arthur Lee or Izard just grounds to complain of "haughtiness" there is little reason to believe. Franklin's temper was naturally urbane and patient. Of course, when pressed by them for information which he could not properly give, his manner, when he did not, as he sometimes did, resort to some playful evasions to change the subject, may have naturally, to eyes so suspicious, appeared "haughty." But in their voluminous criticisms of his course there is not an instance given of an impatient or overbearing expression used by him. On the contrary, when he saw he was to be overruled by his colleagues, as was done in the disastrous removal of Williams as naval agent, and in the withholding from France information as to the progress of the treaty of peace, he not only submitted without altercation or reproach, but in view of the mischief of disclosing dissensions of this kind to the public eye, joined in the common signature. Nor did he, as he well could have done, utter one word of retaliation or resentment when letters such as that of Izard above given, letters unparalleled in history for their virulent personality, were placed in his hands. Nor did he relax, even under these extraordinary provocations, his hospitalities to his

* See as to correspondence, index, title Dissensions, Franklin, Arthur Lee.

† As to Izard, see *infra*, § 177.

refractory associates, nor did they, strange to say, shrink from accepting these hospitalities at the very time they were pouring into the ear of Congress invectives against him, charging him with indolence, immorality, subservience to France, as well as insolence to themselves.

Madison, in a letter to Jefferson of February 11, 1783 (1 Madison's Writings, 63), says:

"Your favor of the 31st of January was safely brought by Mr. Thompson. That of the 7th instant came by yesterday's mail. The anecdote related in the first was new to me, and if there were no other key, would sufficiently decipher the implacability of the party triumphed over."

In a note it is said that the "anecdote referred to an occurrence between Dr. Franklin and Arthur Lee."

In Jefferson's letter to Madison of January 31, 1783 (to which the above is an answer), is the following:

"I will give you an anecdote which possibly you may not have heard, and which is related to me by Major F. [Franks?], who had it from Dr. Franklin himself. * * * Mr. Z, while at Paris, had often pressed the doctor to communicate to him his several negotiations with the court of France, which the doctor avoided as decently as he could. At length he received from Mr. Z. a very intemperate letter. He folded it up and put it into a pigeon-hole. A second, third, and so on to a fifth or sixth he received and disposed of in the same way. Finding no answer could be obtained by letter, Mr. Z. paid him a personal visit, and gave a loose to all the warmth of which he is susceptible. The doctor replied: 'I can no more answer this conversation of yours than the several impatient letters you have written me (taking them down from the pigeon-hole). Call on me when you are cool and good humored and I will justify myself to you.' They never saw each other afterwards." (Madison Papers, Department of State.)

Arthur Lee as well as Izard kept up, when they returned to America, with unabated violence, their attacks on Franklin.* Lee was sent to Congress from Virginia, though on his course in Paris becoming known he barely escaped recall. Izard also was sent from South Carolina, perhaps on the same principle of local pride on which he was sustained by his colleagues, though from a paper elsewhere given, by John Laurens, it will be seen they far from agreed in accepting his views. Of the unreservedness of his attacks on Franklin we have an illustration in a passage in Graydon, who, speaking of Izard's conversation at Carlisle in 1783, said: "He seemed untinctured with asperity upon every subject but one, but this never failed to produce some excitement, and his tone ever derived some animation from the name of Dr. Franklin. When, therefore, the doctor's daughter (Mrs. Bache), in speaking of the Carolinians, said that she hated them all from B (Bee) to Izard, the saying I presume must be taken inclusively, since, though I know nothing of the sentiments of Mr. Bee, I am enabled pronounce those of Mr. Izard to have been anti-Franklinian in the extreme."† Mrs. Bache, who inherited and transmitted much of her father's wit, was not aware that it was from a South Carolinian (John Laurens) that came a parody

* See details in 2 Parton's Franklin, 387. † Quoted in 2 Parton's Franklin, 387.

which Franklin himself could not have excelled in the humorous irony in which Izard's passionate blunders were exposed.*

Arthur Lee's undue confidence in and betrayal by favorites.

§ 150. Men who are unreasonably jealous of rivals are often unreasonably subject to subordinates, who win their confidence by acts which in themselves show the unworthiness of those by whom they are used. This was eminently the case with Arthur Lee. The very arrogance and suspiciousness of temper, which made it almost impossible for his colleagues to act with him as an associate, rendered him peculiarly liable to be imposed on by the treachery of dependents; and hence it was that through the perfidy of his successive secretaries the secrets of his missions were sold to Lord North, he himself made the channel of false decoy intelligence sent to America, and the character of the legation itself brought under serious disrepute in the French ministry.†

Arthur Lee's secretaries were as follows:

(1) *Thornton*, a British spy, paid by Lord North to get true news from Lee in exchange for false news from London.‡

(2) *Hezekiah Ford.* In an extract from a letter of January 9, 1779, from Governor Henry, of Virginia, to the delegates of that State, we have the following:

"'Within these few days I have received information by a paper sent from the Hon. Arthur Lee, esq., at Paris, to the Hon. John Page, esq., lieutenant governor of this State, that Hezekiah Ford is secretary to Mr. Lee. Every member of the privy council, as well as myself, is exceedingly alarmed at the circumstance, having the most perfect conviction that Mr. Ford is altogether unfit to be near the person of the American commissioners. Nothing could induce any member of the council, or me, to touch upon a matter of this delicate nature, especially at this time, when Mr. Lee's character is attacked in public, but the persuasion that either Congress does not know that Mr. Ford is employed in a confidential capacity by one of their commissioners, or that his true character is unknown to them or him. An assurance that the most essential interests of America will be betrayed by this man if he has the opportunity has made it necessary to mention the following particulars:

"This Hezekiah Ford has passed for a minister of the Church of England and was sometime chaplain to a Carolina regiment. He was strongly suspected of writing a seditious paper addressed to the people of Hanover county, exhorting them to resist by force a draft ordered by law from the militia to fill the Virginia regiments in continental service. Very shortly after this paper appeared and suspicion of his writing it, he went at great hazard to himself on board the British ship of war called the *St. Albans*, then lying in Hampton Roads. There he remained a considerable time, and from thence proceeded to New York, continuing with the enemy until he chose to go to England, from whence he proceeded after some time to France, where it seems from the paper I inclose he has found means to obtain an appointment in which an enemy to America may perhaps be furnished with opportunities to do great mischief. I have been told that Ford pretends that he was taken by the *St. Albans*. But upon

* See *infra*, §§ 178, 179.

† "Je vous avouerai que je crains M. Lee et ses entours." Vergennes to Gerard, October 26, 1778.

Similar expressions of anxiety and doubt frequently appear.

‡ *Infra*, § 207.

obtaining the best information to be had on the subject no doubt remains of his going to that ship of his own free and premeditated choice. Besides this, there seems to be good ground to suspect this same Mr. Ford of being concerned in counterfeiting our paper money.'"

Next came the following action of Congress:

"TUESDAY, JANUARY 26, 1779.

"The honorable M. Smith laid before Congress sundry papers which he informed the House contained matters of public information, and which the delegates of Virginia were instructed to lay before Congress: the papers being read, are

"(1) An account headed 'Sums advanced for the State of Virginia by the honorable Arthur Lee, esq., dated the 3d of September, 1778,' and undersigned, 'A true copy, H. Ford, secretary.' On which is indorsed as follows: 'The delegates from the State of Virginia are instructed to lay this paper before Congress, with a view to inform them that Hezekiah Ford, who signs it as secretary to the honorable Arthur Lee, hath been and is considered by the governor and council of this State as an enemy to the American cause of independence, and by no means a fit person to be near the person of an American commissioner in Europe, or intrusted with any of the secrets of the United States or of their allies. January 25, 1779.'

"*Ordered*, That the committee of foreign affairs communicate to the honorable Mr. A. Lee by the first opportunity the purport of the above indorsement, that he may be made acquainted with the character of Mr. Ford." (3 Journals of Congress, 191.)

These proceedings were forwarded by Lovell to Arthur Lee on January 29, 1779, in a letter now in the collection at the University of Virginia. This letter, however, seems not to have been received till May, 1779, and was never answered so far as the papers show.

On April 26, 1779, Lee writes to Congress:

"This will be delivered to you by Mr. Hezekiah Ford, who has served me faithfully for eight months as secretary. He will give you the best information in his power of the state of affairs here."

On July 7, 1779, Arthur Lee wrote from Paris to Jefferson (then governor of Virginia), saying in reply to an inquiry, that he had not "the smallest reason for suspecting" Ford, "and that Ford's conduct was exemplary and irreproachable while he was here."

On August 23, 1779, Whipple, a New Hampshire member of Congress and strong personal friend of Arthur Lee, thus writes to Lee from Philadelphia:

"What can have become of Ford? It is now ten days since a fellow passenger of his passed through this city (Philadelphia), who informed me that Ford had dispatches for Congress, but nothing further has been heard of him. It is hinted by some that he will not be permitted to pass this way, but these are not remarkable for their friendship for his late employer."

Ford probably made his way, with whatever papers he possessed, to the British authorities at New York, as we have no notice of his appearing within the American lines to defend himself on the charge of treason made against him as above.*

* In George III's correspondence with North, a British spy at Paris, who had special access to the American legation, is spoken of frequently under the name of "Forth."

Among the Lee papers at Harvard College is preserved the following, which may be taken in connection with Ford's disappearance:

"It is well known this gentleman's (Arthur Lee's) former private secretary was of a very suspicious character; that after going over several times privately back and forth from Paris to London he took up his residence in London under the protection of the British ministry, and that the man who succeeded him as Mr. Lee's secretary was one Ford, a most infamous tory and refugee parson from London, whither he had fled from Virginia to avoid the vengeance of his countrymen, and where he lived like other refugees until he went over to Paris and entered on his secretaryship under Mr. Lee." (Virginia Gazette, July 17, 1779.)

(3) *Stephen Sayre*, whose extraordinary adventures will be hereafter narrated, and who compromised the American cause, if not by corruption, at least by the most absurd extravagances.*

With these may be mentioned the following:

(4) *Thomas and George Digges*, claiming to be Americans by birth, who were in England during the Revolution, though in 1778 George visited the United States. Of Thomas, Arthur Lee, on December 8, 1777, thus wrote to the committee of foreign affairs:

"It has also fallen very particularly within my knowledge that Mr. Thomas Digges, of Maryland, has exerted himself with great assiduity and address in gaining intelligence and doing other services in England."

On April 16, 1778, we have Arthur Lee giving to Samuel Adams a recommendation of George Digges "as a very worthy person, and, together with his brother, who is yet in London, has done services to the cause."

The character of Thomas Digges will be hereafter considered,† and it will be seen that he grossly betrayed American trusts which had been placed in his hands.

(5) *Berkenhout*, also in British employ, the extent of whose intimacy with Arthur Lee is also hereafter noticed.‡

The baleful influence of these men on the American cause can not be overestimated. The information they imparted to Lee, false and treacherous as it was, was productive, as will presently be seen, of much disaster to ourselves and to our allies; and the information they obtained from Lee was followed by British expeditions so adroitly aimed as to be traceable to the advice so received.

Arthur Lee's own loyalty is not disputed.§ The solution of the dam-

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* *Infra*, §§ 192 *ff.* † *Infra*, § 206. ‡ *Infra*, § 204.

§ Sparks, in a manuscript note in the Harvard Collection, vol. 22, says:

"There was probably not a truer patriot in America than Arthur Lee, nor one more firm and decided in the course he professed to pursue. There is not a glimpse of proof that he had any bias or affection or interest towards England which could be considered as compromitting his attachment to his own country. His faults of temper and indiscretion were innumerable, and made him a very unfit man for the post he held abroad, but the reproach of leaning towards the enemies of his country, or seeking personal ends of profit or gain, can not be applied to him without marked injustice." Sparks gave this testimony after a careful review and refutation of Arthur Lee's gross perversions of fact as to Vergennes, Adams, Jay, and Gerard, which misstatements Sparks attributed to jealousy amounting to insanity.

age attributable to his connection with the mission is to be found in part in a jealousy of Franklin approaching fury, and in a confidence in his secretaries and subordinates approaching fatuity. There have been other honest men with the same traits; men above corruption, yet who can see nothing but what is untrustworthy in supposed rivals, and nothing but what is trustworthy in obsequious dependents.

Carmichael's letter to Congress of August 6, 1778, in answer to Arthur Lee's charges, will be found in a curious volume entitled "Papers in relation to the case of Silas Deane, Philadelphia; printed for the Seventy-Six Society. Philadelphia, 1855."

Unfortunately this letter is given without the exhibits, consisting of letters bearing on Arthur Lee's English correspondents.

The following statement by Carmichael is worthy of notice:

"The suspicions entertained by the French ministry that the secrets respecting our affairs were betrayed is by no means to be wondered at; *for the loss of Mr. Lee's papers at Berlin gave such a clue to the English court, that the commissioners could not have concealed the operations at that time commenced, unless, in the midst of them, they had changed their whole arrangement, which was impossible.* From this unfortunate circumstance arose the necessity of selling our frigate in Holland and many other obstacles to the transportation of our clothing from Europe." *

Comments on the damage done by the loss of these letters will be found in a note to Arthur Lee's letter to commissioners of June 28, 1777, where Carlisle is quoted to the effect that through them the British Government gained important information.

"A secret memoir," by Beaumarchais, giving his views as to Deane and Franklin, is published in 3 Mag. of Amer. History, 631. In this paper Lee's "libertine suppers" are referred to as the occasions of his disclosures to Beaumarchais of his political preferences. He refers to Arthur Lee having sent his "valet de chambre very secretly to London" on the receipt of the letters recalling Deane, and asks: "What is the object of this mysterious message? Why do they always know in London so exactly what is passing in Versailles?" The letter goes on to urge Vergennes to bestow some public mark of royal consideration on Deane.

This letter is not dated, but is followed by Vergennes' letter of March 26, 1778, to Deane, accompanying a portrait of the king.

Imposed upon by decoy fabrications.

§ 151. That Arthur Lee was misled by false information given to him as to British movements, and that Congress and our military authorities were misled by him, his letters to Congress show. We may begin with the letters written by him in the spring of 1776. The then real object of British attack were the cities of New York and Charleston. For the latter city the fleet under Sir Peter Parker and the land forces commanded by Lord Cornwallis and General Clinton were destined. Sullivan's Island, which controlled the approach to Charleston, was defended successfully by the Americans, and on June 28, 1776, the British attack was repulsed. New York fared much worse. It was against this city that the main body of the British forces were hurled. Early in June

* See *supra*, § 90.

General Howe, "in prosecution of his plan, refreshed his troops at Halifax and proceeded to Sandy Hook; but being informed that the enemy were endeavoring, by strong intrenchments at New York and Long Island, and by chains of sunk vessels in different parts of the channel to obstruct the passage of the fleet up the North and East rivers, he repaired to Staten Island, opposite Long Island, where he landed his men without opposition. Lord Howe, the joint commissioner for treating on peace, who had been long expected, arrived in the interval at Sandy Hook, and, proceeding immediately to Staten Island, landed his troops (July 1) from England, which augmented the British force to nearly thirty thousand men, supported by a numerous and powerful fleet."*

Before this overwhelming force Washington, whose army was weakened by large detachments to the north, was compelled to retreat, and New York was lost. How far the defective disposition of the American forces was induced by Arthur Lee's erroneous "confidentially obtained" advices can not now be discovered. It is enough to say that Arthur Lee's statement that the British northern attack was to be through Quebec and Albany and that the southern attack was to be aimed at Virginia not only was untrue, but was calculated greatly to mislead those directing the American campaign.

The plan which Arthur Lee announced for the British campaign of 1776 was substantially that adopted by Great Britain for the campaign of 1777. When, however, Arthur Lee undertook, on February 11, 1777, to announce the latter campaign, it was in terms as incorrect and misleading as those in which he foretold the campaign of 1776. Howe was "to act against New England;" Carleton was to make his way over the lakes to keep the middle colonies in awe, while "Burgoyne, with an armament from England of ten thousand, if it can be procured, invades the South—probably Virginia and Maryland."†

As Sparks well remarks: "This intelligence, which was entirely erroneous, was probably sent into France with a view of creating there a false impression as to the plans of the British Government." That the intelligence came through Thornton, and that Thornton was employed at the time as a British spy, we now know, but it was not known by Sparks. But be that as it may, the British campaign was for Howe to invade not New England but Philadelphia; for Burgoyne to attack not Virginia but New York, by way of Canada, to be met on the Hudson River by Clinton, and in this way to "encircle New England;" while for Carleton "to make his way over the lakes to keep the middle colonies in awe," as a feint, was not within the British plan at all. The

*2 Adolphus' History of England, 359. I quote from this author as the English historian who, of all others, is least likely to fail in details of the British campaign during the revolutionary war. To the same general effect is 6 Mahon's History of England, 164 *ff.*

†See letter of commissioners to Vergennes, Feb. 1, 1777.

same may be said of Lee's statement of February 18, 1777, as derived from a "confidential correspondent," that "Boston is certainly to be attacked in the spring. Burgoyne will command."

The British campaign of the summer of 1778 is thus announced by Arthur Lee in a letter to the committee of foreign affairs dated June 1, 1778:

"*I have exceeding good information* that their plan of operations for America is as follows: General Howe is to evacuate Philadelphia, *sending five thousand of his troops and ten ships of war to Quebec;* the rest of the troops, with the fleet, are to return to Halifax, where the latter, being joined by Admiral Byron, will, it is presumed, maintain a superiority in those seas over the allied fleet."

That Philadelphia was to be evacuated before the summer campaign of 1778 began was a matter of necessity, as the British army was melting away by desertion in that city, and the river was liable any moment to be blockaded by the French. What the ministry wanted was to enable Howe's army to retreat safely to New York without danger, and to draw Washington off from impeding this retreat nothing could have been more effective than to impress him with the belief that Howe, instead of marching across New Jersey, would go by sea to Halifax. Fortunately Arthur Lee's letter, by which this strategem was to work, did not reach America in time to take effect. That Howe should have taken his army to Quebec and Halifax was in fact a suggestion which on its face could only have been regarded as a clumsy decoy. Washington, seeing that the only available retreat for the British troops was through New Jersey, followed them on that line, and gave battle to them at Monmouth.

Of the British expedition to Georgia in 1778, by which Savannah was taken and great injury inflicted on the American cause, we have not an intimation, though, as we are told in 6 Mahon's History of England, 383, Sir Henry Clinton's "main purpose at this time was to carry the war into the Southern States. * * * With these views, in which the cabinet at home participated, Sir Henry dispatched a body of thirty-five hundred men by sea to Georgia." Of this "cabinet" purpose however Arthur Lee's confidential authority gives no hint. The real points of British attack are concealed, while decoy statements are given of plans which never existed, and spots which it was not intended to attack.

We have, then, advices forwarded to Congress by Arthur Lee of the British plans for the three successive campaigns of 1776, 1777, and 1778. It is difficult to regard these advices, each of them, if followed out, calculated to bring great disaster on the American cause, otherwise than as a system of decoy imposed by Lord North through Thornton on Arthur Lee. The patriotism and honesty of Arthur Lee can not be assailed. But he was imposed on by obsequious traitors, to whom, like most men of vehement prejudices when approached by subservient villains, he gave his confidence in the same way that to his rivals or

superiors he gave his animosity. But it tells but little for his acuteness of observation that after his earlier predictions had failed so disastrously he should have gone on drawing and communicating subsequent announcements from the same source. Yet, even if he had been expressly warned of this treachery, it is not probable he would have heeded the warning. For, like others of his temper, the uniform suspicion with which he regarded equals led him to look upon obsequious dependents as above suspicion.

Thornton's communications to Arthur Lee in respect to British operations in America were mostly oral, and of such as were written only a few scraps remain. We must judge of them chiefly therefore from the form they took when transferred to Arthur Lee's letters to America. It is otherwise however with a remarkable group of letters whose character and effect may be thus stated:

In May, 1778, Thornton, under Arthur Lee's instructions, undertook a journey to Portsmouth for the purpose of obtaining information of British naval operations. The period was one of singular peril. Through the mismanagement and supineness of the administration England, on the eve of a war with France, was practically undefended, while France was gathering at Brest and at Toulon two powerful fleets. The announcement however of the treaty of alliance between France and the United States awoke the ministry to their danger, and on March 22, 1778, Keppel, then the ablest and most popular admiral in service, was commissioned as commander-in-chief of the channel fleet. On the 24th of March, as his biographer tells us, "he hoisted his flag on board the *Prince George*. But instead of the noble fleet he had been led to expect there were only six ships of the line in any degree fit for service, a great scarcity of sailors, and an almost total deficiency of stores and provisions."*

This would have been the time for a French descent. But of the defenseless condition of the English coast and of the feebleness of the channel fleet it was not intended by the British Government that the French should be informed; and Thornton then, as we shall see, in constant correspondence with Lord North, was no doubt instructed not merely to cover up this deficiency, but to give Arthur Lee such an account of the channel fleet as would prevent a French dash on England. This he did in a note of April 25, now among the Lee manuscripts in the library of the University of Virginia, in which note he declares that there are "at Spithead thirty ships of the line, beside four frigates and eight sloops, beside ten sail of the line getting ready with all expedition." He states in the same note that "two men of war of the line are to sail immediately to convoy the Manchester regiment to Gibraltar." Here was a piece of information which, if true, would have been of great value to France, since it would have enabled a small detachment of the

* 2 Life of Keppel, 19.

French fleet at Brest to seize without difficulty these two ships with the "Manchester regiment" in tow. But the statement was a trap, since Keppel's instructions were to send with these two ships as large a part of his fleet as would be necessary to protect them from a surprise, and not to let the convoy sail till it could be thus secured. Hence, if France had acted on Thornton's information, the small squadron she would have sent out to capture the "two-ship convoy" would have found itself at once enveloped in a vastly superior force.

On May 16, when, under Keppel's vigorous administration, the channel fleet had been largely re-enforced and was fully ready for action, Thornton, no doubt still under instructions from the ministry, entirely changed his key. On April 25, when the coast was comparatively defenseless, he falsely exaggerated the strength of the channel fleet so as to prevent attack. On May 16, when the fleet was strong, he falsely understated its strength so as to invite attack. It could not be concealed from France that Keppel had at that particular time between thirty-five and forty ships under his command, for these ships had been exhibited at a royal review a few days before, and their names and armaments published to the world. But Thornton informs Arthur Lee that the thirty-five ships which, after certain detachments, are all that remain to Keppel, "are very little more than half manned, that you may rely on as truth, I have it from a principal clerk of the admiralty."* He then goes on with a dangerously deceptive statement: "The *Bienfaisant* and a sloop are ordered to cruise off Brest, to observe the motion of the fleet. McBride, who distinguished himself last war, commands it." Now, as we learn from Keppel's Life, the *Bienfaisant*, commanded by Captain McBride, was one of Keppel's fleet, but so far from it being intended that the *Bienfaisant* should cruise, accompanied only by a sloop, before Brest, so as to justify an attack by a small French detachment, the instructions issued on April 25, 1778, by the admiralty to Keppel were, "to cruise at such a distance, and upon such a station, off the port of Brest, as you shall judge most proper to prevent the junction of the French squadrons above mentioned, and to intercept any ships that may attempt to sail from Brest to molest the convoy going to Gibraltar. * * * In case the Toulon squadron shall have joined the squadron at Brest before you arrive upon your station, * * * and the two squadrons, when combined, should venture to come out, or if at the time the Toulon squadron may be attempting to push into the port of Brest, * * * the squadron in that port should come out, in order to succor and effect a junction with the other, you are, in either of the cases, if the superiority of the French fleet is not very apparent, to give them battle."† The instructions to Keppel were to attack the Brest fleet in force whenever it should come out. Thornton's

* Lee MSS., Harvard Library. This is reiterated in a letter dated Portsmouth, May 21.

† 2 Keppel's Life, 27, 28.

falsehood as to the *Bienfaisant*, no doubt intended to reach the French Government through Arthur Lee, might, if it had been believed, have led to the capture of at least that part of the Brest fleet which had been thus enticed out to catch the *Bienfaisant*. On May 30, as if to draw an additional veil over the British plan of campaign and to throw the French still more off their guard, Thornton writes to Arthur Lee that Admiral Byron is ordered "not to attack any French ships of war unless he finds they have acted in a hostile manner."

It was not until May 30, just as Keppel was making his preparations to leave port, that Thornton advised Arthur Lee of the movement towards Brest, instructions for which had issued on April 25. The decoy of May 16 had proved ineffectual, and there was no longer any use in attempting to conceal those movements of the channel fleet, which the most careless observer would detect.

On June 13 Keppel got under weigh for that cruise which had so much to do with his own reputation and with the future course of the war. He had with him twenty-two ships of the line, three frigates, and two armed cutters. An engagement was prematurely precipitated between several of his ships and two French ships; and from papers taken from the latter "Keppel found to his astonishment that the French had thirty-two sail of the line, besides ten or twelve frigates, in Brest roads. * * * As his secret instructions expressly enjoined him, if he found the force at Brest superior to his own, to return to St. Helen's for a reenforcement, and not to leave exposed Great Britain and Ireland, the protection of which was to be the principal object of his care and attention, he found himself under the painful necessity of returning to England."*

It was at this critical juncture, when a French descent on England might have inflicted a decisive blow, that Thornton forwarded by express to Arthur Lee the following extraordinary letter, printed here as written:

"8TH JUNE, 1778.

"I would advise you to come over as soon as possible or else you may be obliged to go by Holland; a change of Ministry is settled and will imedoatly take place, Lord North certainly goes out Lord Gower comes in his room, Mr. Jenkinson Chancellor of the Exchequer, Lord Stormond is mentioned in the room of Lord Suffolk; we are little afraid of their French bombast of Invading us, we have formed a Camp at Coxheath betwixt Chatham & Maidstone of 6 Batta'ns of Regulars two of Dragoons and of 12 Reg'ts of Militia there, we will have 11,000 men ready to receive them, we have another at Wasley Common near Brentwood of about 8,000 men and one near Winchester of 7,000 men so that you see we are well prepared to receive them, let that Incendiary Jones come to make another attempt in the North, hee'll be well received by Earl Percy and two regiments of Regulars & all the Militia of the Counties of Cumberland Northumberland & Yorkshire. Ad'l Keppel with 22 Ships from 100 to 64 & 2 Frigates of 32 Guns wait only for the Great Ad'l the Duke De Chartres to come out of Brest to attack him, we make ourselves sure of him, they propose giving him the late Peter Taylor's House near Port down. our friends the Scotch have behaved

* 2 Keppel's Life, 32, 33.

most nobly they have compleated Lord McLeod, John Campbell & Lord Seaford's Reg'ts the rest are not near compleated, consider what number of men it will take, and what Spirits the Welch have shew'd their Reg't is compleated, L't Col. Picton of the 12th is appointed Col. to it. Oh! My D'r friend very bad news from America, take care what I write doth not come to the Knowledge of the Americans at Paris it would make them exult too much. I was in company for Several Hours with Col. Fitzpatrick just returned from Philadelphia, what an account he gives of the despondency of our brave fellows, their general discountent, declaring that they are sacrificed by this Ministry, and talk highly of Gen'l Washington etc.—the guards and several of the weakest Reg'ts are coming home with Sir Wm. Howe as well as 30 frigates, in short you see wee are abandonning America. Philadelphia is to be evacuated, New York is to be kept if possible, you that always cryed up this Ministry, what will you say now.—Its affirmed for certain, that Lord N. has constantly been opposed by the rest of the Council, and had it not been for him, you would have had a Declaration of war, soon after the French Ambassador's departure from here. what pity it is that we have not sailors enough to compleat that fine fleet of Ad'l Keppel, we want above 4,000 men, which to you and I that understand nothing of the sea, must appear a great number wanting—if you knew the number of Men of War put every week in Commission at Deptford, Chatham & Sheerness you would not be afraid for Old England, the Devil in it, we have no hands to mann them. your letters I have received I have given you this long detail, to shew you we are not afraid of the French. tho' they are vastly so in Ireland, were the people seem ready for a revolt, owing to the want of work. I'll take great care of your buckles.

"fareyewelle."

(Indorsed by Arthur Lee:)

"Thornton, June 8th."*

Of this letter, in which Thornton assumed the guise of an Englishman, who, more or less sympathizing with America, was nevertheless hostile to France, the object evidently was to lead the French authorities to think that England was so thoroughly aroused and armed that a successful descent on her coast was impracticable. The misstatements made by him for the purpose of preventing a French attack are as follows:

(1) The gross exaggeration of the English coast defenses and armed camps.

(2) The statement that Keppel was to wait for an attack, whereas Keppel, in accordance with his instructions, was about to put to sea to attack the French.

(3) The statement that Lord North, being outvoted in the cabinet when urging a declaration of war against France, was about to resign, whereas Lord North never was so firmly seated as prime minister, more satisfied, and more satisfactory to his royal master than at this very period.† North must have smiled when, in order to mislead the French ministry, he sent word to it through Thornton that he was to be driven from the cabinet on account of his warlike propensities. It was of course important to hoodwink France as to England's warlike preparations; but it is now well known that not only was North then in full

* Lee MSS., Harvard Library.

† Very strong to this effect is George III's letter to Lord North of June 2, 1778; 2 Corr., etc., 199.

royal favor, but that he was far from being the most belligerent member of the cabinet over which he presided.

The following was written between Keppel's re-enforcement after his return to port and the indecisive action on July 27, when the French fleet came out to meet him:

"24TH JUNE, 1778.

"I wrote you the 18th, 22d, & 30th of last month, the 10th & 15th of this, and not a line from you; if you had wrote any politicks the letter is stopt I suppose in France. I am afraid you are set off from Paris, I'll follow you where ever you are. if the French have a mind to get a drubbing they may come out of Brest. Adl Keppell is there watching them with 23 Ships of line & 4 Frigates. he wont begin first Hostilities; and here we are prepared in case they should attempt to invade us. at Coxheath we'll have by the end of the month betwixt 11,000 to 12,000 men under the Comand of Genl Keppell. I make no doubt wee could assemble in less than 7 or 8 days about 25,000 men—we are very uneassy that they should leave the North so defencess, having hardly any troops there, however I hope soon they'll take care of that part also. you cant conceive how hard we are working in all our dock yards to get the ships and frigates ready for Sea, many will be soon, but the Devil where shall we get the men to mann them. I could give you the Acct of them but dare not, for feare of some American at Paris getting it. Sir Wm Howe is expected every day what a dust when he arrives. We have a report that Sir H. Clinton has attacked Genl Washington and has defeated him, but its only a report. not hearing from you made me very uneassy for feare of your being sick which made me resolved to set off, but unluckely I am so swell'd that I am obliged to wait alittle till the swelling is reduced. I am not able to stirr from my bed. I'll bring a pair of fine buckles, if you want anything Else let me know as soon as you have received this—

"fareyewell"

(Addressed:) "To Mr. Alexr Johnston No 5 rue des Battailles a Chaillot proche Paris" [being a name used by Arthur Lee for disguise.]

(Indorsed by A. Lee:) "Thornton, June 24th."

Here, again, are two misstatements, which may have been among the causes of the ill success of France in the engagements of July 23–27, 1778. In the first place, Keppel's fleet is spoken of as twenty-three ships of the line and four frigates, the same as it had been when he first weighed anchor, whereas, while he had but twenty-four sail of the line, four frigates, and two fire ships under his immediate command, arrangements were then being perfected by which he was to be joined, when he set sail, by six more ships of the line. In the second place, instead of being required not to begin hostilities, his orders were to go to sea and attack the French. When they met "the French admiral at first appeared desirous of bringing on a general engagement, but as soon as he became aware of the increase of his adversary's force he relinquished the design."* The result was indecisive, each fleet returning to port. To the surprise of the French at finding, when they engaged, that the

*2 Keppel's Life, 37. For a French account, see 2 Martin's Decline of French Monarchy, 389; 5 Guizot's France, 383. According to Yonge (1 History of British Navy, 341) the French commander "had probably been ignorant of Keppel's return to England for re-enforcements. At all events, he believed him to be far weaker than he really was, and at first showed every inclination to fight."

British forces were equal to their own, nothing could have contributed more effectively than Thornton's letter of June 24, supposing it to have been received and believed.

Suspected by Franklin and Vergennes.

§ 152. Did Vergennes and Franklin know of Thornton's relation to Lord North and of Ford's treachery? Vergennes, according to Doniol and Loménie, had grounds to suspect that Lee was intimate with men who were in British pay; * and Franklin had grounds to suspect Thornton of maintaining clandestine relations with Lord North. But we have no adequate reason to believe that either Vergennes or Franklin had any reliable knowledge that Thornton was a professional British spy. They felt that they were duped by the information he gave them and that they were subjected to great perils thereby; they knew that information of their own movements reached the British minister also to their great detriment; but it is not likely that even Franklin, much as he disliked sensational collisions, would, if he had been informed of the extent of Thornton's treachery, have kept back the information from Congress. But he knew enough to justify the exercise of extreme caution in his dealings with Arthur Lee. To take as an illustration, his withholding the time and place of Gerard's intended departure as envoy to the United States;—if there was a doubt as to the loyalty of Lee's secretary it was essential that the information should have been withheld from Lee, or else Gerard would have shared the fate to which Laurens, it may have been from similar treachery, was consigned.

But Franklin, judging him in the light we now have, was to blame in not telling Congress what he knew about Thornton and thus explaining the grounds of his reticence to Lee and Izard. Of Thornton's treachery strong probable evidence could have been given; of the pernicious falsity of the information he gave Arthur Lee Congress had in its hands abundant proof. Had Franklin said, "I do not impugn Arthur Lee's loyalty, but he gives, not from disloyalty but from narrow obstinate pride, his confidence to dangerous men," then the division in Congress as to the merits of the commissioners in Paris would not

* As sustaining this view we have the following extract from a confidential letter from Stormont to Weymouth, dated Dec. 28, 1777:

"They (the French ministers) do not convey anything material through M. Chaumont or Beaumarchais. M. Gerard treats directly with Franklin and Deane. (*Lee is little trusted and has not the real secret.*) He (Gerard) goes to Passy in the night and Franklin and Deane make him nightly visits at Versailles. These visits have been very frequent of late and must no doubt have some material object. One point may be to settle the execution of a plan which Franklin has formed and which this court has, I am assured, adopted" (of sending French cruisers to America with supplies). (MSS. in Bancroft's Collection.)

As to French distrust of Arthur Lee, see 3 Mag. of Amer. History, 631.

Doniol, vol. 1, p. 368, states positively, as a result of his research, that the spies of the British foreign office had access to Arthur Lee's papers.

have been so perilously close. But either from undue security,* or from a dislike to join in the discussion of personal issues in terms so reckless as those used by Lee and Izard, their letters alone were before Congress and no explanations were at hand from him. The consequence was a peril perhaps as great as any to which the cause of the United States was subjected during the war. Had Franklin been repudiated and the French mission and the peace negotiations left in the hands of Arthur Lee, the French alliance would probably have been dissolved, and if there had been a British acknowledgment of independence, the acknowledgment would have been so limited both as to terms and territory as to make the United States merely a satellite of the British crown.

Powerful family influence.

§ 153. Washington having applied to Jay for information as to the cause of the mismanagement of the naval affairs of the confederacy, Jay, in reply, in a letter of April 26, 1779,† traces this "to the family compact. The commercial committee was equally useless. A proposition was made to appoint a commercial agent for the States under certain regulations. Opposition was made. The ostensible objections were various; the true reason was its interfering with a certain commercial agent in Europe and his connections." The commercial agent was William Lee, who, by the action of Arthur Lee and Adams, had taken Williams' place as naval agent and who occupied by congressional appointment the commercial agency.‡ In publications in the Pennsylvania Packet, in December, 1778, the term "family compact," as used by Jay, is explained by the statement that by four brothers of the Lee family were held two seats in Congress, four foreign missions, the French commercial agency, and a London aldermanship under Wilkes. But this "compact" derived its chief strength from the devoted support of Samuel Adams and other New England delegates sympathizing with the distinctive political views of Richard H. and Arthur Lee.

As connected with and generally voting with the Lees may be mentioned William Shippen, a delegate in 1778–'79 from Pennsylvania.

"Joseph Shippen's youngest son, Dr. William, was born in 1712. He attained real eminence as a physician, and reached the age of ninety with the love of all who knew him. He was twice elected a member of the Continental Congress, and, notwithstanding his advanced years he was, as its journals show, constant in his attendance. By his wife, Susannah, a daughter of Joseph Harrison, of this city (Philadelphia), he

* Franklin's silence on the mere personal issue of incompatibility may be explained by his ignorance. At the very time of Arthur Lee's letters to Congress assailing Franklin, their social relations were apparently undisturbed, Lee frequently dining with Franklin. (1 Arthur Lee's Life, 348; 2 Parton's Franklin, 256.)

Carmichael's report of May 3, 1779, adverse to Arthur Lee, is in the Sparks Collection, Harvard College, volume 49, part 1, page 25. In this report is quoted a letter of d'Estaing to the effect that in his opinion secrets of the legation reached England through the imprudence of Arthur Lee.

† See *infra*, under that date; 2 Jay's Life, 47.

‡ See *infra*, § 156; and also *infra*, §§ 175–176.

was the father of Prof. William Shippen, born in 1736. Prof. William Shippen studied here with his father, and afterwards abroad, under the celebrated Hunters, in England. In 1776 he was appointed 'chief physician for the flying camp.' In March, 1777, he laid before Congress a plan for the reorganization of a hospital department, which, with some modifications, was adopted, and on the 11th of April following he was unanimously elected 'director-general of all the military hospitals for the armies of the United States.' He died in Germantown on the 11th of July, 1808. Thacher, in his medical biography, speaks of these Shippens, father and son, in high but just terms. Dr. Wistar's eulogium on the professor (1809) is a graceful and charming tribute. Professor Shippen was married in London about the year 1760 to Alice, a daughter of Col. Thomas Lee, governor of the province of Virginia." (6 Penn. Mag. of History, etc., 15, 16.)

We have already seen that it was proposed by Arthur and William Lee that Franklin should be sent to Vienna, where he would not have been received; that Arthur should have sole charge of the Paris mission, and William to go either to Berlin or The Hague, retaining, with his nephew, more or less hold on the agency at Nantes.* William afterwards suggested Brussels as his proper mission.†

Of the members of this remarkable family we may say that they were distinguished not merely for the tenacity with which they clung to public office, but for the strong attachment they showed to each other, and for the affection they inspired in men so high minded and patriotic as Samuel Adams and Thomas McKean. It is impossible, in view of this affection as well as of their own personal history, to doubt either the honesty or the loyalty of these brothers. But, while this is the case, it is difficult not to see that, constituting a group holding so many important offices, they formed, when we take into consideration their distinctive views as to the danger of executive power in any department, the fanaticism with which they urged these views, and the personal littleness they mingled with their political differences, a dangerous element in the State.‡ And this danger was augmented by the unreasoning devotion given by this powerful family and its friends to Arthur Lee, so that his wildest prejudices became theirs.

His course after his return.

§ 154. Of Arthur Lee's public career after his return to America, Rives, in his Biography of Madison (Vol. 1, p. 341,) thus writes:

"He returned to America in 1780, and was soon chosen a member of the legislature of Virginia. By that body he was elected, in December, 1781, one of the delegates of the State in Congress. His talents were of a high order; but notwithstanding the many and undoubted proofs he had given of his attachment to the interests and liberties of America, his unfriendliness to Dr. Franklin, and his resentment of the want of confidence in him manifested by the French Government, were supposed to have produced in his mind a sentiment of disaffection to the alliance itself. The relations, moreover, of particular intimacy which he was known to have held with Lord Shelburne and other persons of rank and consideration in England naturally made his conduct and opinions an object of jealousy at the present moment.

"A letter addressed by him to Mr. Mann Page, a member of the house of delegates

* *Supra*, § 126. † *Infra*, § 177. ‡ See *infra*, § 209.

of Virginia, of which body Mr. Lee himself was also a member (there being at that period no legal incompatibility between a seat in Congress and one in the State legislature), was spoken of as containing highly obnoxious opinions. This led to the adoption of the following resolution:

"'That the committee of privileges and elections do inquire into the subject-matter of a letter said to have been written by Arthur Lee, esq., a delegate of this State in Congress, to Mann Page, esq., a member of this house, containing matter injurious to the public interests; and that the said committee do call for persons and papers for their information.'

"A report was made by the committee exculpating Mr. Lee, on the ground of his letter being a private and confidential one, not intended for the public eye, and because his former services placed him above the suspicion of designs inimical to the State or America in general. A substitute, moved by Mr. Henry Tazewell,—to the effect that the sentiments contained in the letter were such as, exposed to the public eye, 'might create in our allies a distrust of our representatives,' and the writing of it therefore was not to be justified,—received the votes of a considerable number of most respectable members; but the report of the committee was finally adopted by a majority of the house. This result however did not produce acquiescence. A few days afterwards a formal motion was made that Mr. Lee be recalled from Congress; and at the same time information, subscribed by distinguished and responsible names, was laid before the house by a leading member in his place,* casting further suspicions upon his political conduct and sentiments.

"The sequel of the motion is thus given in a letter from Mr. Edmund Randolph to Mr. Madison of the 27th of December, 1782:

"'The attack which I hinted at in my last as being made upon Mr. Lee was pushed with great vigor. Upon the motion for his recall the ayes were 39, and the noes 41. His defense was pathetic. It called upon the assembly to remember his services, to protect his honor, and not to put it out of his power to profit his country by his labors. The failure of some of his enemies to attend alone saved him. Should Henry come to the next session, it seems impossible he should be again elected.'"

Of Arthur Lee's services in Congress we have the following notice by himself:

"I do not see of what material use my attendance here can be, where I can only lament what I can not prevent, and make vain efforts to redeem an infatuated majority from the bondage of folly and private interest."† (Arthur Lee to Samuel Adams, Philadelphia, April 21, 1782; Bancroft MSS.)

In July, 1782, Arthur Lee, when in Congress, moved for a committee to examine into the financial management of Franklin. Franklin's friends concurred in the resolution, and the committee consisted of Lee, Izard, and Wharton. A majority of the committee therefore was in bitter antagonism to Franklin. But the majority failed to discover any mismanagement on which to report.

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* "This member was Col. John Francis Mercer, just chosen a delegate to Congress in the place of Mr. Edmund Randolph, resigned. (See journal of house of delegates, Oct. sess., 1782, 71, 72.)"

† Deane's apostacy was at first used by Arthur Lee with great effect in his own vindication; but when it was found that the French ministry and Franklin were as ready to take strong ground against Deane as was Lee, the effect of this argument wore away.

CHAPTER XIII.

JAY.

Services as to foreign affairs in Congress.

§ 155. John Jay, of Huguenot descent, of a family distinguished for social eminence and moral excellence, was bred to the bar, and took, in his earliest manhood, decided ground in resistance of British aggression. He entered Congress in September, 1774, when he was in his twenty-ninth year, and remained, with the intermission of eighteen months, when he acted as chief-justice of New York, an active and useful member, until he accepted, in September, 1779, the mission to Spain. When in Congress his services to the revolutionary cause were of high value. He was chosen on November 29, 1778, a member of the committee of correspondence, to whom the diplomatic correspondence of Congress was primarily intrusted. That his election, as well as that of Franklin, was objected to by Arthur Lee has been already noticed, and it is not unlikely, from what we can gather from the subsequent proceedings, that it was not acceptable to Samuel Adams or John Adams. But this certainly could not have been from any lukewarmness of Jay in the revolutionary cause. By no one was more surrendered for the advancement of that cause; by no one was British misrule denounced more sternly, nor British cruelty regarded with a more solemn feeling of reprobation. He would rather, he declared to Gouveneur Morris on October 8, 1776, see the district where his family lived, and with which his dearest associations were connected, become a desert, than have it again under the British flag. The same determination was expressed with equal earnestness by him to the same correspondent on April 29, 1778, coupled with the expression of a belief that any "influence of Lord North's conciliatory plan is happily counterbalanced by the intelligence from France." And he subsequently, on April 26, 1779, took the opportunity to speak to Washington of the kindly influence exercised in Philadelphia by the French minister Gerard.

The pains that were taken to enable our diplomatic correspondence to elude the scrutiny of the enemy have been already noticed.* Among other devices, Deane, when in Paris, "was provided with an invisible ink, and Mr. Jay (an active member of the committee of correspondence), with a chemical preparation for rendering the writing legible.

* *Supra*, § 105.

But as letters apparently blank might excite suspicion and lead to experiments that might expose the contrivance, Mr. Deane's communications were written on large sheets, commencing with a short letter in common ink, relative to some fictitious person or business, and under a feigned name, and the residue of the paper was occupied by his dispatches in the invisible ink."* The copies of Deane's dispatches on file in the Department of State were in this way procured.†

His constructive policy, and opposition to congressional cabals.

§ 156. It has been already observed that Congress was divided into two distinct schools, each equally determined to carry on the war until independence was secured, but one of them distinctively expulsive and liberative in its character, making it its controlling object to get rid of the British yoke, leaving the government to remain in congressional hands; while the other, joining to the expulsive or liberative element the remedial or constructive, sought not merely to get rid of the bad government of Britain, but to set up a good government, in which the executive department would have a co-ordinate place.‡ In the latter school, with Washington, Morris, Franklin, and Livingston, Jay naturally took his place. To his orderly and exact mind government by a congress, absorbing in itself or through its committees all government, military, financial, and diplomatic, was in defiance of the teachings both of political philosophy and of political experience; and this repugnance was intensified by the exhibition in Congress of "as much intrigue as in the Vatican." Washington having written to him, he being President of Congress at the time, to inquire as to the mismanagement of the navy, Jay, on April 26, 1779,§ replied as follows:

"While the maritime affairs of the continent continue under the direction of a committee, they will be exposed to all the consequences of want of system, attention, and knowledge. The marine committee consists of a delegate from each State; it fluctuates; new members constantly coming in and old ones going out; three or four, indeed, have remained in it from the beginning; and few members understand even the state of our naval affairs, or have time or inclination to attend to them. *But why is not this system changed? It is, in my opinion, inconvenient to the family compact. The commercial committee was equally useless. A proposition was made to appoint a commercial agent for the States under certain regulations. Opposition was made. The ostensible objections were various. The true reason was its interfering with a certain commercial agent in Europe and his connections.*" ‖

* 1 Jay's Life, 64.

† Curious details of the early life of Jay are given by Judge Jones in his History of New York, 2, 223 *n.*, where Jay's strong early repugnance to the loyalists is unjustly attributed to personal disappointment. In the same chapter of the same work there is an interesting sketch of James Jay, the oldest brother in the family, who went to England to practice medicine, was there knighted, but returned to America at the Revolution, and took strong patriot ground.

‡ See *Supra*, §§ 2, 4, 11.

§ See *infra*, of that date, 2 Jay's Life, 47, 48.

‖ William Lee, see *supra*, § 153. As to the opposition to him of Arthur Lee, see *supra*, § 146.

The stand taken by Jay, however, was not limited to opposition to this "family compact," strengthened as it was by strong collateral support.* He took resolute ground in favor of vesting in Washington the powers incidental to a commander-in-chief, and it was to his firm and constant protests against the management of foreign as well as domestic affairs by congressional committees that the gradual growth of the executive department system is to be largely traced.†

On the Spanish mission.

§ 157. September, 1779, Jay was elected minister to Spain. The condition of our relations with Spain made his acceptance of this most trying and difficult post even more of a sacrifice than at the time it appeared. Aside from the general objection, heretofore noticed, that it was indelicate as well as impolitic to send a minister to a foreign court which had not consented to receive him,‡ there were peculiar reasons, already noticed, why a minister should not at that moment, without some such understanding, have been forced upon Spain.§ Jay's own narrative of his entrance on and his work in this mission are given in full in the following volumes,‖ and are embodied in a series of dispatches, as distinguished for their dignity and their ability as they are for the fidelity with which, under circumstances singularly difficult, he discharged the trust imposed on him. The only criticism that could be justly made on his course is that by an undue austerity of manner he shut himself off from those conciliatory approaches by which diplomatic arrangements can sometimes be best effected.¶

His attitude as to Spain's conflicting claims is thus stated by him in a fragment of autobiography:

"I was early convinced that, provided we could obtain independence and a speedy peace, we could not justify protracting the war and hazarding the event of it for the sake of conquering the Floridas, to which we had no title, or retaining the navigation of the Mississippi, which we should not want this age, and of which we might probably acquire a partial use with the consent of Spain. It was therefore my opinion that we should quit all claim to the Floridas, and grant Spain the navigation of her river below our territories on her giving us a convenient free port on it, under regulations to be specified in a treaty, provided they would acknowledge our independence, defend it with their arms, and grant us either a proper sum of money or an annual subsidy for a certain number of years. Such, then, was the situation of things as to induce me to think that a conduct so decided and spirited on the part of Spain would speedily bring about a peace, and that Great Britain, rather than hazard the loss of Canada, Nova Scotia, and the islands by continuing the war, would yield the Floridas to Spain and independence to us. But when Spain afterwards declared war for objects that did not include ours, and in a manner not very civil to our independence, I became persuaded that we ought not to cede to her any of our rights, and of course that we should retain and insist upon our right to the navigation of the Mississippi."**

* See *supra*, § 153.

† See *infra*, § 209; *supra* §§ 11, 146.

‡ *Supra*, § 15 *ff*.

§ *Supra*, § 86 *ff*.

‖ See index, title Jay.

¶ See citations in 1 Bancroft's Hist. of Constitution, 292,325.

** 1 Jay's Life, 100. For analysis of his Spanish papers, see index, title Jay.

At the peace negotiations.

§ 158. The course of Jay in reference to the peace negotiations in Paris is considered in another work,* and will, in a future volume of this series, be discussed in detail in connection with the peace correspondence. Two points, however, may be here noticed. In the first place, it now appears that the famous Marbois letter,† handed to Jay by one of the British loyalists, and relied on by him as showing France's duplicity, was disavowed by Marbois; and there are, aside from this, very strong reasons to distrust its genuineness.‡ In the second place, we have in the correspondence of George III a new light thrown on the action taken by Jay in consequence of this letter. "The day after he received Marbois' letter he dispatched," says Jay's biographer, § "a secret agent to the British secretary of state, concealing his mission not only from the French Government but also from Dr. Franklin. This agent was Mr. Vaughan, an English gentleman then residing in Paris, and well affected to the American cause. He was instructed to represent to the British minister that without an acknowledgment of American independence as a preliminary to a treaty, neither confidence nor peace could be reasonably expected; that as Britain could not conquer the United States, it was her interest to conciliate them; that England should not be deceived by the affected moderation of France, since the United States would not treat except on an equal footing; that it was the interest of France but not of England to postpone the acknowledgment of independence to a general peace; that a hope of dividing the fisheries with France would be futile, as America would not make peace without them; that the very attempt to deprive the United States of the navigation of the Mississippi, or of that river as a boundary, would irritate and inflame America; and that such attempts, if successful, would sow the seeds of future war in the very treaty of peace."

It will, however, be seen hereafter‖ that Benjamin Vaughan, while a gentleman of great amiability and personal worth, was, when Jay sent him without Franklin's knowledge on a confidential mission to the British ministry, in the employ of that ministry as secret agent at Paris. It is due to Jay to say that he was ignorant of this fact, though he would have been notified of it had he consulted Franklin. One of the most singular incidents of this transaction is that George III, seeking double treachery in thus sending back to him his own agent in the guise of an agent from the American legation, regarded it as a peculiarly subtle machination of Franklin, which it was his duty to baffle by utterly discrediting Benjamin Vaughan. It should be added that Franklin's affection for Benjamin Vaughan was in no wise dimin-

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* 3 Dig. Int. Law, 2 ed., pp. 923 *ff.*

† Marbois to Vergennes, March 13, 1782, *infra*.

‡ *Ibid.*, note thereto, and see index, title Marbois.

§ 1 Jay's Life, 147, 148.

‖ *Infra*, § 198.

ished by Vaughan's assumption, with an honesty which no one who knew him would question, of this peculiar kind of mediatorship. And in Jay Franklin's confidence was unabated. He more than once said that no one could be found more suited than Jay to represent the United States abroad. And when, in view of death, he prepared to settle his estate, he selected Jay as his executor. To some extent this adds a new evidence of the straightness of Franklin's business affairs as well as of his past business transactions; for had there been anything in the papers that in any way was not open and fair, Jay's great intelligence and severe integrity would have made him almost the last person in whose hands an intelligent testator would have placed such papers. And the correspondence connected with this selection, as well as with other incidents at the close of Franklin's life, shows how high was the regard and respect with which he regarded Jay.*

* For a discriminating notice of Jay, see Trescot's Diplomacy of the Revolution, 126 *ff.*

Luzerne, in his dispatches to Vergennes, refers to Jay's attachment to Franklin, and speaks of Jay expressing to his friends in Congress entire confidence in and attachment to his colleague.

CHAPTER XIV.

SILAS DEANE.

His congressional career.

§ 159. Silas Deane was born in Groton, Connecticut, in August, 1737, and after graduating at Yale in 1758 he went into business at Wethersfield, Connecticut, and afterwards taught school and practiced law. In the early revolutionary movements he took an active part, and was a delegate from Connecticut to the First and Second Congresses, though from some local jealousy he was not elected to the Third. He remained, however, in Philadelphia, and he appears to have been assiduous there, and continued to show unabated interest in revolutionary affairs. When an agency to France to borrow money and make purchases of supplies was contemplated, it was not strange that, with his business aptitude, he should have thought himself and been thought of by others as fitted for the post. To the mercantile men in Congress, and especially to Morris, his election in February, 1776, as American business agent at Paris was primarily due.*

"Mr. Silas Deane, of Connecticut, a member of the First and Second Congresses, had lost his election to the Third; but, instead of going home, remained in Philadelphia, and (so says jealous and suspicious John Adams) applied to the secret committee for an appointment abroad. Mr. Adams, I should observe, was not well pleased at being left out of so important a committee. It appears that Arthur Lee, true to his character, had sent over a letter to a member of Congress, advising him to look well to John Jay, for he was not to be trusted. This ridiculous letter, having been too freely handed about by Mr. Adams' friends, seems to have been among the causes which led to the selection of John Jay for one of the secret committee; also one of the causes of John Adams' exclusion. Be that as it may, Mr. John Adams' comments upon the committee, their proceedings, and their servants, are tinged with ill humor, and are not to be taken as absolute gospel.

"Silas Deane was a native of Connecticut, and a graduate of Yale College, who began life in the usual New England way by keeping school, and afterwards subsided from his school to a law office. He practiced law and carried on trade, acquired some property and some consideration in his province. As a member of Congress he appears to have been assiduous and well esteemed; and it was natural the committee should incline to employ one who had become perfectly informed of American affairs by a year's attendance in Congress and by serving on many leading committees. Congress also stood high in the esteem of mankind. There were few circles in Europe

*A collection of the correspondence of Silas Deane in 1774–'76 is given in volume 2 of the Papers of the Connecticut Historical Society. The collection ceases with his departure for Europe, and leaves no question of his fidelity to the revolutionary cause during the period in question.

(and none worth entering) in which a member of the Congress of 1774 and 1775 would not have been received with homage and enthusiasm. Mr. Deane, we are assured, was a man of somewhat striking manners and good appearance, accustomed to live and entertain in liberal style, and fond of showy equipage and appointment. * * * He could not speak French with any fluency, nor write it at all. (2 Parton's Franklin, 114.)

His activity in Paris.

§ 160. As will be seen from the correspondence hereafter given, Deane received his instructions on March 3, 1776, and entered on his duties in Paris in the following July. At first these duties involved him in affairs not strictly within the range of his mission. He occupied a semi-official relation to the French ministry; and he felt it requisite, under the circumstances, that he should report to Congress what he learned through this and other channels of European politics as affecting the Revolution. Military questions, as well as financial and diplomatic, pressed upon him. Not only had he to deal, under circumstances not a little perplexing, with Beaumarchais as to supplies,* but numerous French officers sought commissions from him, sometimes from enthusiasm, sometimes from ambition, sometimes from greed. So far as concerns accounts, there is no reason, it will hereafter be argued, to doubt his exactness; and he was eminently successful in obtaining supplies which were necessary to carry on the war. But when out of this particular line his want of political capacity was soon manifested. He greatly embarrassed Congress by indiscreet arrangements with French officers, some of whom he ought never to have employed, and many of whom Congress was unable to retain. In his suggestion that Count Broglie should be called to America as commander-in-chief he displayed a want of delicacy and of political knowledge that can only be explained on the hypothesis that his judgment was bewildered by the splendor of the new atmosphere in which he was suddenly immersed.† This, however, was but a temporary diversion, since, on Franklin's arrival, Deane's diplomatic functions, such as they were, came to an absolute end. So far, however, as concerned accounting—a branch of industry to which Franklin's almost universal genius did not extend—Deane continued, as long as he remained in France, to show commendable activity and zeal.

Things stood in this position when Arthur Lee arrived; and it was very soon seen that Arthur Lee was not willing to submit to the supremacy of Franklin in diplomacy or to the supremacy of Deane in accounts. It was with Deane that Arthur Lee first came in collision.‡ Deane had, or was supposed to have, a considerable amount of business patronage, which to Arthur Lee's eye gave considerable opportunity for speculation; and not only did he suppose that Deane made use of this opportunity for his own benefit, but he desired to have the entire control of the business side of the mission placed in the hands of

* See *supra*, § 56 *ff*.

† See, as to this singular episode, *supra*, § 77.

‡ See 3 Doniol, 173, 174.

his brother, William Lee, then, as will be hereafter noticed, an alderman of London, elected as such on the Wilkes ticket, and a devoted adherent of Wilkes. Arthur Lee's suspicions of Deane were at once communicated to Congress, and after much discussion a resolution was passed on December 8, 1777, recalling him to America, the reason given being the importance of obtaining information as to the state of affairs in Europe. Deane at once took passage for America, bringing with him letters of confidence and esteem both from Franklin and Vergennes.

As to Arthur Lee's statement that Deane "made £60,000 sterling while he was employed here," Sparks * remarks:

"Deane went to France with money of his own in his pocket; how much he can not say, but he had something. He staid there a year and eight months and then returned to Philadelphia, where he remained eighteen months longer, attending on Congress. During this latter period he certainly could have disposed of money for no other purpose than his expenses, for he was engaged in no business whatever. It follows that this great sum of £60,000, or more than $250,000, must have been still in Europe. Neither he nor his family were known to have it in this country. It must have been somewhere if it ever existed; but there is absolute proof that he returned to Paris in beggary. We have ourselves seen positive written testimony that he subsisted there for several months on the bounty of strangers."

Adams—no very friendly witness—wrote on July 26, 1778, that Deane "was a diligent servant of the public and rendered it useful service, but his living was expensive." † And Adams, two months afterwards, while saying that Deane's course in contracting with foreign officers was "very mysterious," added that it was the duty of Congress to "vote for Mr. Deane settling his accounts with Congress or somebody appointed by Congress." ‡

Adams at that time had no other grounds for distrusting Deane. §

"Almost the whole business of the commissioners to France, so far as related to the receipt and expenditure of money, had passed through the hands of Deane, of whose capacity and honesty Franklin entertained a high opinion, and of whom John Adams afterwards said 'that he had been a diligent servant of the public and had rendered useful service.' Arthur Lee, an unquiet, envious, irritable, and suspicious man, very anxious to obtain for himself the sole management of the mission, had quarreled soon after his arrival at Paris with Franklin and Deane, and had written home letters full of insinuations against both his colleagues. Izard, dissatisfied, it would seem, with not having been consulted about the French treaty, had written home similar letters. Carmichael, who had been employed at Paris as an agent or secretary of the commissioners, but who was now in America and was presently chosen a delegate to Congress from Maryland, insinuated that Deane had appropriated the public money to his own use. He and Deane were examined at the bar of Congress, and Deane finally made a written report. Out of this affair sprung two violent parties. Robert Morris and other members of Congress well acquainted with mercantile matters took the side of Deane; but there was a powerful party against him, headed by Richard Henry Lee, brother of Arthur Lee, and chairman of the committee for foreign affairs. Deane published in the Philadelphia Gazette an 'Address to the people of the United States,' in which he commented with much acrimony on the conduct of Richard Henry Lee and his two brothers, Arthur and William, claiming also credit to himself, among other things, for the supplies obtained through Beaumarchais. A reply soon appeared in the Phila-

* 30 North American Review, Apr. 502.
† Adams to Lovell, July 26, 1778.
‡ Adams to Lovell, Sept. 26, 1778.
§ 1 Hale's Franklin in France, 232.

delphia Packet, written by Paine, the author of 'Common Sense,' who, besides a gratuity of £500 from the State of Pennsylvania, had been rewarded for that pamphlet by the post of secretary to the committee for foreign affairs. Availing himself of documents in his custody, Paine contended in reply to Deane that the arrangement with Beaumarchais had in fact been made by Arthur Lee in London; and that those supplies, though nominally furnished by a mercantile house, came really from the French court." (3 Hildreth's United States, 267.)

His then strong anti-British feelings.

§ 161. Deane's freedom, when holding the post of American commissioner at Paris, from any supposed British ties is illustrated by the peculiar enmity then shown to him by the British press, as well as by his peculiar enmity, as just noticed, to Britain. A miscreant called "John the Painter" was put on trial in 1776 on the charge of attempting to set fire to the dock-yard at Plymouth. A confession was drawn from him by a decoy spy, in which he said, among other things, that he had been to Paris to confer as to the burning with Silas Deane.* And for this, or for other reasons, the British Government went so far as to demand from France the extradition of Silas Deane "as a rebellious British subject." This was of course declined by France.† And it is certain that Deane was represented by Stormont to Vergennes as "an infamous incendiary, whom France should expel from her shores."‡

Of "John the Painter" Chief-Justice Oliver, at this time a refugee in England, thus writes:

"This John y^e^ Painter was a most finished villain in almost all crimes, as he confessed himself, and the Congress and their adherents could not have pitched on a more proper person to have executed their diabolical purposes than upon this fellow, but alas! how often are halters misplaced! Had they been tightened about the necks of some of his employers neither the conflagration at Portsmouth or in America had committed such horrid ravages as have wasted the lives and habitations of so many thousands." (2 Hutchinson's Diary, 143; see also 41 London Chronicle, 122, 126, 134, 143, 230, 238, 262, for details.) The "instigators of John the Painter" are stated to be, beside "the Congress," "Silas Deane and other American patriots."

From Horace Walpole we have the following:

"Affecting to be shocked at the attempt on Bristol, he (Lord Temple) employed one of his own incendiaries to resort to the prison where John the Painter lies, and his worthy agent, by worming himself into that man's confidence, pretends to have learnt from him that the said John had received £300 from Silas Deane for the purpose of burning not only Bristol, Portsmouth, and Plymouth, but the Bank of England, for stone and gold are wonderfully combustible. The natural philosophers in power believe that Dr. Franklin has invented a machine of the size of a tooth-pick case, and materials that would reduce St. Paul to a handful of ashes." (Walpole to Mason, February 27, 1777; 6 Cunningham's Walpole, 416, 417.)

Stormont, in a letter to Weymouth of March 26, 1777, says:

"Franklin affects to lie *perdu*, but that infamous incendiary Deane, who pretends to laugh at the absurdity of John the Painter's accusation, and who seems more countenanced here since that accusation than before, is very frequent in his visits to Versailles." (2 Hale's Franklin in France, 429.)

* See 20 Howell's State Trials, 1335. † Flassan, t. vii, liv. vi.

‡ Stormont to Weymouth, Apr. 10, 1777.

On the other hand, Deane's course while occupying a diplomatic position in Paris exhibited to Britain a vehement and almost unscrupulous bitterness far beyond that of his fellow commissioners, and in singular contrast to the apologetic and affectionate tones subsequently adopted by him. In the entire correspondence given in the following pages there is no one by whom denunciations are poured so fiercely at the enemy as are found in the papers emanating from him, and by no one were such vindictive measures of retaliation recommended. Privateering, for instance, he was willing to look upon rather as a private scourge than as a weapon of public war, and twice he recommended inciting the "caribs" on the British West India Islands to revolt.* It is true that revolt of this kind had been incited on our own soil by the enemy, but we had denounced it, as we had denounced the employment of Indians, as inhuman and in violation of the laws of war. It is proper to add that Congress endeavored, under Franklin's advice, to restrain privateering within limits which would make it a proper engine of war, and refused to take any notice of the propositions for "carib" revolt.

"This month [March, 1777] was tried and executed John the Painter, the incendiary who had attempted to set fire to Portsmouth, and actually had set fire to and burnt two or three houses at Bristol with so little address that, though he acted from American enthusiasm, the chief mischief he had done was to an American merchant. The ministers were even at first less alarmed at the attempt and crime than ready to turn it into matter of clamor against the Americans, as a conspiracy amongst whom they represented the act, giving out that the whole city of Bristol was in flames. As it was some time before the perpetrator was discovered, they endeavored to spread a universal panic and suspicion, and were indignant when they were told that they had set the example of such savage and unfair war by burning Norfolk and meditating a conflagration at New York before it fell into their hands. Lord Rochford, their old tool, when it was objected to him that the ministers had been the aggressors, called it talking treason. It was much to their confusion that the perpetrator, being taken, was discovered by a burglary which he had committed, and that he proved to be a single incendiary without accomplices, a notorious housebreaker, a mad enthusiast and *Scotchman*. Lord Sandwich, whose supreme talents were the artifices of a spy, busied himself capitally in the detection of a plot which proved no plot at all; and some printed books being found in the culprit's lodgings, Lord George Germaine gave out that they were an account of the massacre at Paris and Dr. Price's pamphlet. Dr. Franklin too was involved in the charge; the ministers, to decry him, pretended to believe that he had invented a new and most destructive machine for burning towns. Two hundred years sooner the same persons would have accused him of magic.†

"But by far the most surprising part of the story was that the conviction of John the Painter was effected by a very unexpected actor, who, descending from a greater height than Lord Sandwich had done in the treachery to Wilkes, stooped to become the spy of a ministry whom he had long affected to treat with the utmost contempt. This was the old decrepid Lord Temple, whose crippled body was still agitated by the smothered flames of ambition, and who, exploded by all parties and factions,

* See index, title Deane.

† Franklin had not arrived in France at the time when the interview with him is said to have taken place.

chose to purchase contemptuous smiles from the court, and to indulge his late brother George's rancor to America, by turning informer and prompter to a treacherous spy. In short, he had sent down a dependent of his, a painter, to Winchester jail, to insinuate himself into the prisoner's confidence; and they succeeded as far as hanging the man; but though Lord Sandwich, Lord Palmerston, and Stanley, three of the admiralty, went down to the trial, and though no pains were omitted to involve Silas Deane in the accusation, the criminal, who at first pretended to have received £300 from him, at last only pleaded having been promised so much, and was soon dispatched, that he might not recant even that. The zeal of the Scots, as zeal is the blindest of all agents, endeavored to alarm France, as if Silas Deane had such a passion for burning magazines that Brest would not be safe if he was suffered to remain in France; it was so likely that he would pay his court at Versailles by so capital an injury!" (2 Walpole's Journal of Reign of George III, 100.)

Hard treatment by Congress.

§ 162. When Deane reached Philadelphia, after his recall, he expected to be received with an ovation. He really had done much. He had from the first received friendly countenance from the French court, and had forwarded to America large supplies, which, however obtained, were of immense value to the revolutionary cause. He had been at least nominally concerned in negotiating a treaty of commerce and a treaty of alliance with France, each of which was singularly favorable in its terms. He had with him strong letters of approval from Vergennes and from Franklin, and with with them a miniature of Louis XVI set in diamonds. In the very ship that brought him over came Gerard, the new French minister, the two travelers uniting, as it would seem, in predicting an era of success to the republic. Instead, however, of the buoyant welcome he had expected, he found but a cold reception, growing each day colder. For this the reasons were several. He was condemned for his action in sending over, on promises made without authority, scores, it was said, of French officers, some incompetent, and almost all both importunate and insatiable. Those who were devoted to Washington, and even those who were not, could not understand how Deane should have had his head so turned as to suggest a foreign prince to take Washington's place at the head of the armies of the United State. The Lees and Samuel Adams looked upon him as one who had ruthlessly quarreled with Arthur Lee, and who, if he returned, would oust William Lee from the lucrative post of commercial agent in Paris. Deane also had strong opposition on personal grounds from at least two, if we judge from his own account, of his Connecticut colleagues; and his difficulties with Izard alienated from him the South Carolina delegation. He had also but little tact in conciliating opponents or in making friends; and a publication by him in the Pennsylvania Packet, exposing to the public eye the dissensions in the legation in Paris, justly exposed him to censure on the ground that, however true, it was a breach of confidence. How it was that for weary months he appealed to Congress to authorize a settlement of his accounts, but appealed in vain,

will be seen by examining the correspondence in the following volumes.* Of the result Hildreth thus justly speaks:

"Deane was finally discharged from his long and irksome attendance on Congress with a paltry allowance for his time, which he refused to accept, and he presently returned to Europe for the settlement of his accounts, under which he claimed a large balance against the United States. Though he had entered Congress with the reputation of being a rich man, this claim seemed now to constitute his sole pecuniary means. Congress neglected to appoint anybody to act for them in the settlement of the accounts of their agents abroad; and Deane, thus deprived of all resources, was reduced to great pecuniary distress. No proof appears that he had been dishonest, or had employed the public money in speculations of his own, as his enemies alleged, but he had occupied the unfortunate position of having large sums of public money pass through his hands before any proper system of vouchers and accountability had been established, and he fell before the same spirit of malignant accusation which presently assaulted Wadsworth, Greene, Morris, and even Franklin himself, but which they had better means for warding off." (3 Hildreth's United States, 269.)

A manuscript copy of Silas Deane's address, laid before Congress on December 21, 1778, is in No. LII of the Spark's Collection at Harvard College. This manuscipt differs in several respects from the printed text as given in the papers in relation to the case of Silas Deane as printed in Philadelphia in 1855.

"Intercepted letters."

§ 163. In the fall of 1781 there appeared in Rivington's Royal Gazette, published in New York, a series of letters claimed to have been written by Deane about the same time, giving, with much skill, reasons why the cause of independence should be abandoned and the conciliatory propositions of Britain accepted. Had these letters been written at different times, to be forwarded by different opportunities to the parties to whom they were addressed, it is not likely, skillful as Deane was in getting his letters across the water, that they would have been "intercepted" in a bunch. They were however so "intercepted," and they certainly, as they appear in Rivington's Gazette, have very much the appearance of having been forwarded to that paper for the purpose of better circulation. Complete copies of them as so issued are rare. To Deane's address however of August, 1784, to "the United States of North America," published by Dobrett, London, he adds a letter to Robert Morris, of June 10, 1781, which he says "contains the substance of what in 1781 I wrote to my friends and correspondents in America in those letters which were intercepted and published in New York." He adds that where the publication of Rivington "differs from the original I have noted and corrected it in this letter, and therefore the present may be relied on as authentic."

In the letter thus selected, as giving the substance of the intercepted letters as a whole, Deane takes the following position: (1) The declaration of independence was a mistake, as there were no real grievances to redress; (2) the French alliance is a delusion; (3) the best thing for the United States to do is to submit. It will be remembered that Deane

* See index, title Deane.

chose the gloomiest period of the war to utter sentiments which, in direct conflict as they were with his former views both as to independence and as to the temper to be shown to Britain, show on their face that the letters containing them were concocted to be put into circulation in such a way as best to further the ministerial schemes. It is in recognition of this purpose that George III's criticism, hereafter introduced, was made, and it was to give them currency that the "intercepting" scheme was contrived. Had the letters been delivered, as addressed, to Robert Morris and the other patriots whom Deane selected as his nominal correspondents, there would have been no publication. It was only through loyalist papers that they could be put into print. We must take into consideration not merely the tone of the letters, but the mode in which they were put into circulation, in order to understand the vehemence with which they were denounced by the legislature and governor of Connecticut, where Deane was nominally domiciled, as well as by the patriot press at large.

In a pamphlet published in Hartford in 1784, and dated in London on October 12, 1783, Deane, after admitting and defending his "intercepted letters," states:

"I can with the greatest truth and sincerity declare that I have not so much as seen any of the ministers since my arrival in this country, nor have I ever had the least connection or correspondence with any, either of the present or late ministers of this country."

But this can not be reconciled with George III's statements, hereafter given, or with the conclusions of Jay and of Franklin as to Deane's apostacy.

In respect to the "intercepted letters" we have the following correspondence:

"I inclose you a paper containing two of the many letters lately published in New York with the subscription of Mr. Deane's name. The genuineness of some of them, and particularly that to Mr. Morris, is generally doubted. There are some who think the whole of them spurious. However this may be, there is, through another channel, indubitable proof that no injustice is done in ascribing to him the sentiments advanced in these letters. Either from pique, interested projects of trade, or a traitorous correspondence with the enemy, he has certainly apostatized from his first principles." (Madison to Jefferson, November 18, 1781; 1 Madison Papers, 103.)

"On whichever side Mr. Deane's letters are viewed they present mysteries. Whether they be supposed genuine or spurious, or a mixture of both, difficulties which can not well be answered may be started. There are however passages in some of them which can scarcely be imputed to any other hand. But it is unnecessary to rely on these publications for the real character of the man. There is evidence of his obliquity which has for a considerable time been conclusive." (Madison, in Congress, to Pendleton, December 11, 1781; 1 Madison's Writings, 57.)

But as time gave fuller opportunity of observation, there was no doubt as to the authenticity of these letters. Hutchinson spoke of the encouragement they gave refugees in England.* Franklin declared with pain that they harmonized with what he heard was the then tone

* 2 Hutchinson's Diary, 246.

of Deane's conversation, and he said that Deane at that time even justified the course of Arnold.* In 1783 Deane's associates in England, according to Adams, were Arnold, Paul Wentworth, and Skeane.† And one of these letters, that to Governor Trumbull of October 21, 1781 (if this may be called "intercepted," of which there is doubt, as a duplicate of it at least appears to have been delivered), had its authenticity verified and acknowledged not only by Trumbull, but by the legislature of Connecticut, to whom he communicated it. This letter (written before Deane heard of Cornwallis' surrender, but received after that decisive event) is contained, with Trumbull's reply, in volume 56 of the Letters to Washington deposited in the Department of State. Deane's letter is written with much art, supposing the facts he states as to the failure of the revolutionary campaign to be true, and supposing his object to be to induce an abandonment of the French alliance and a return to the British sway. But he so grossly overstates his case as to deprive his conclusions, even at the time he wrote, of any force. He speaks of the campaign so far, on the part of France and Spain, as being ridiculously indecisive. He declares that for us to continue the war would subject us to France, notwithstanding his assumption that France is at this time worsted. With some pertinency he calls attention to the fact that "our ministers and agents in Europe cost us at this time more than £20,000 sterling annually, though we have only one received and acknowledged as such." He then untruly announces "a secret treaty between Russia and England," and declares that England will have it in her power to make a general peace, excluding the United States; and, assuming this, he argues that it is essential to the United States to obtain from England indulgent terms while they may still be had. The style is much superior in its literary structure to that which marks those letters which came from Deane when he was corresponding with Congress as its acknowledged agent; and this may be explained by the supposition that in preparing this and the "intercepted" letters of October, 1781, he had the aid of British officials. That this is so we can infer from the letters of George III, to be presently quoted. Trumbull's answer is very strong. It begins by saying that "at the time when you wrote the decisive event of the last campaign in this country was not known to you; you were unacquainted with the noble part which France acted on that occasion, and you could not foresee that this event would reduce the British Parliament to confess themselves unable to conduct a future offensive war in this country; you could not foresee that the 'trifling and indecisive' campaign in Europe was to be soon followed by the most important successes in other quarters of the world; that St. Eustatia, St. Martin, St. Kitt's, Montserrat, Nevis, were destined to crown the glories of Yorktown." After vindicating the generosity of France in her arrangements with the United States, and

* Franklin to Livingston, Mar. 4, 1782. † Adams to Livingston, Aug. 2, 1783.

speaking of the want of generosity of Britain, he says: "I will sooner consent to load myself, my constituents, and my posterity with a debt equal to the whole property of the country than to consent to a measure so detestably infamous" as the submission proposed by Deane. This reply of Trumbull was, as we learn by a letter of Trumbull to Livingston (given *infra*, under date of May 23, 1782), was unanimously approved by the legislature of Connecticut.

The fact that these letters were prepared in a bunch goes some way to prove that they formed part of a system of demonstration got up in such a way as to produce the greatest political effect. Of those of them which I have been able to trace the dates are as follows:

Deane to James Wilson, Paris, May 10, 1781; Deane to Root, Paris, May 20, 1781; Deane to Tallmadge, May 20, 1781; Deane to Duer, Paris, June 14, 1781; Deane to Morris, Paris, June 10, 1781; Deane to Wadsworth, Paris, June 13, 1781; Deane to Parsons, Paris, May 14, 1781; Deane to Thompson, Paris, June 1, 1781; Deane to Somers Deane, May 16, 1781.

It is no wonder that George III had his doubts whether the scheme had not been overdone. Cobbett wrote a pamphlet review of these letters, which gave him great delight.*

Deane's letter dated Paris, May 15, 1781, appears in the London Morning Post of January 28, 1782, as lately intercepted; and so of his other intercepted letters.

As discrediting the claim that the letters were sent *bona fide* to American correspondents and intercepted on the road, we have also to observe:

(1) None of them are in cipher, though to most of the parties addressed Deane had been in the habit of using ciphers.

(2) The vessel or vessels from which they were taken were not reported, as was usually the case when papers of interest were seized, the news of the capture of the vessel coming in with the capturing vessel.

Views of George III.

§ 164. Whatever we may think of Deane's early services in the revolutionary cause, there is no doubt that he left Philadelphia thoroughly embittered by the unjust and insulting course of Congress towards him, and that, on his return to Europe, he soon fell under British control and accepted British pay. As to this the following extracts from letters of George III to Lord North leave no doubt:

"I return the communications from Mr. Wentworth and Mr. Thornton (Arthur Lee's secretary). The return of Deane is a very fortunate event, as it gives full time to the news transmitted in the *Andromeda* to take effect, and I should naturally conclude may bring America to a state of tranquillity." (George III to Lord North, March 9, 1778, 2 Correspondence, etc., 145.)

"LORD NORTH: On returning last night from the oratorio I received your box. I think it perfectly right that Mr. Deane should so far be trusted as to have £3,000 in goods for America. The giving him particular instructions would be liable to much hazard, but his bringing any of the provinces to offer to return to their allegiance on the former foot would be much better than by joint application through the Congress; for if by the breaking off of some the rest are obliged to yield, no further concert, or perhaps amity, can subsist between them, which would not be the case in the other mode, and the fire might only be smothered, to break out again on the first occasion." (George III to Lord North, March 3, 1781, 2 Correspondence, 363.)

* See Duane, Polit. Pamphlets, Cong. Library.

Mr. Donne (the editor) adds the following note:

"The history of Silas Deane is wrapt in some mystery. He and General Arnold were early friends, and both deserted the cause which they had once so efficiently supported. Deane appears to have been the victim of intrigue, and to have incurred the enmity of Arthur Lee, Izard, and other Americans. Franklin in 1782 defended Deane from a charge of fraud. The story of these intrigues is related by Mr. Parton, in his Life of Franklin, volume ii, chapter ix. From this letter it is evident that Deane was now in the service of the English ministry. He joined Arnold in England and renewed their friendship. Upon hearing of their reunion John Jay, who like Franklin, had stood by Deane in all his misfortunes, tore his portrait into shreds and threw them into the fire. Some time after, when Deane called upon Jay in London, the indignant American wrote to reject his proffered civilities, saying that 'every American who gives his hand to Benedict Arnold, in my opinion, pollutes it.'

"'For a few months,' says Mr. Parton, (*ib.*, 362) 'Deane basked in the smiles of tory, and, it is said, of *royal* favor; which is not unlikely, for George III had Arnold continually at his side, and bestowed upon him the most conspicuous marks of favor. But after the peace Deane was totally neglected. He died at a small country town a few years later in extreme poverty.'

"Yet he appears to have been 'as much sinned against as sinning,' for in 1835, forty-five years after his death, Congress paid to his heirs a considerable part of the sum due to them. The sum awarded was $38,000. Among Deane's papers at Hart ford was found a complete statement of his case by himself, and this, backed by Franklin's testimony to his integrity, weighed with Congress in repairing the wrong done to him."

"I have received Lord North's boxes containing the intercepted letters from Mr. Deane for America. I have only been able to read two of [them], on which I form the same opinion of *too much appearance of being concerted with this country, and therefore not likely to have the effect as if they bore another aspect.* I return them, and hope when the copies have been taken to be able to read them at my leisure, for it is impossible in a hurry to form any solid opinion concerning them. The extract from Franklin is very material; should France not supply America amply, I think it has the appearance that this long contest will end, as it ought, by the Colonies returning to the mother country; and I confess I will never put my hand to any other conclusion of this business." (George III to Lord North, July 19, 1781, 2 Correspondence, etc.,380.)

"The letter Lord North has wrote to Sir Henry Clinton on the subject of the intercepted letters from Mr. Deane he is transmitting to him, is very proper, *and is the most likely means of rendering them of some utility.* I owne I think them too strong in our favour to bear the appearance of his spontaneous opinions, but that, if supposed to be authentic, they will see they have by concert fell into our hands. The means Mr. Deane should have taken as most conducive of the object he seems now to favour would have been first to have shown that the hands of France are too full to be able to give any solid assistance to America, and to have pointed out the ruin that must attend a further continuance of the war; and after having given time for these opinions to be digested, then have proposed the giving up all ideas of independency, and have shown that the country is not in a state to subsist without the assistance of some foreign power, and that consequently so mild a government as the British one is the most favorable that America can depend upon." (George III to Lord North, August 7, 1781, *id*, 381.)

Position in 1784–89.

§ 165. When Deane returned to Paris he not only avoided Franklin and his old patriotic associates, but he expressed himself with so much bitterness towards Congress,* and with such disapproval of the course the war was taking, that he was

* According to Vergennes he was "furieux contre sa Patrie."

avoided by old acquaintances in return. That Arthur Lee's stories about his wealth were erroneous, appears from the following manuscript memorandum by Sparks, which is in the Harvard collection:

"Among the papers in the French offices I saw an original letter from Beaumarchais to Count Vergennes, stating that Deane was in Paris, destitute of the means of subsistence. Upon this Vergennes advanced Deane privately 12,000 livres.

"Towards the end of the year he was in London, employed in literary and political work, if not by the ministry, at least by opponents of the American cause. Thus Luzerne, in a letter of October 9, 1783, to Vergennes, states that Sheffield's pamphlet on the commerce of the United States was prepared by Deane." (Sparks Manuscripts, Harvard College, vol. 32.)

Next comes the following painful correspondence between Deane and Jay:

Deane to Jay.

"LONDON, *Jan. 21st*, 1784.*

"SIR: I called at your lodgings in November last, but your servant told me you was not within, and that you intended to set out for Bath in a day or two, on which, being exceedingly desirous of an interview with you, I sent you a letter requesting that favor; but going out of town myself a few days after, and having received no answer, I am at a loss what to conclude on—whether my letter might have failed, or that you do not incline to favour me with an interview, and hence I am induced to trouble you with this, and to request that you will simply inform me by a line if you received my letter of November, and if an interview will be agreeable or not. I wish to obviate and remove any late prejudices which you may have entertained against me from the most gross misrepresentations of my conduct since my arrival in England; and I submit to you the propriety of giving me an opportunity for doing this, and am, with great respect, sir, etc.,

"SILAS DEANE."

Jay to Deane.

"CHAILLOT, NEAR PARIS, *23d February*, 1784.†

"SIR: Your letter of the 21st of January was delivered to me this morning. It is painful to say disagreeable things to any person, and especially to those with whom one has lived in habits of friendship; but candor on this subject forbids reserve. You was of the number of those who possessed my esteem, and to whom I was attached. To me personally you have never given offense; but, on the contrary, I am persuaded you sincerely wished me well, and was disposed to do me good offices.

"The card you left for me at Mr. Bingham's, and also the letter you mention, were delivered to me; and I can not express the regret I experienced from the cruel necessity I thought myself under of passing them over in silence; but I love my country and my honour better than my friends, and even my family, and am ready to part with them all whenever it would be improper to retain them. You are either exceedingly injured or you are no friend to America; and while doubts remain on that point, all connexion between us must be suspended. I wished to hear what you might have to say on that head, and should have named a time and place for an interview had not an insurmountable obstacle intervened to prevent it. I was told by more than one, on whose information I thought I could rely, that you received visits from, and was on terms of familiarity with, General Arnold. Every American who gives his hand to that man, in my opinion, pollutes it.

"I think it my duty to deal thus candidly with you, and I assure you, with equal sincerity, that it would give me cordial satisfaction to find you able to acquit your-

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* 2 Jay's Life, 143.

† 2 Jay's Life, 144.

self in the judgment of the dispassionate and impartial. If it is in your power to do it, I think you do yourself injustice by not undertaking that necessary task.

"That you may perform it successfully, whenever you undertake it, is the sincere wish and desire of, sir, etc.,

"JOHN JAY."

That S. Deane gave the British ministry, in October, 1787, suggestions hostile to America appears from a letter of Lord Dorchester to the British secretary of state, dated October 24, 1787. (2 Bancroft's History of the Constitution, 448.)

Of this unhappy life at a later period we have the following glimpse:

"About three weeks ago a person called on me and informed me that Silas Deane had taken him in for a sum of 120 guineas; and that, being unable to obtain any other satisfaction, he had laid hands on his account book and letter book, and had brought them off to Paris, to offer them first to the United States if they would repay him his money; if not, he would return to London and offer them to the British minister. I desired him to leave them with me four and twenty hours, that I might judge whether they were worth our notice. He did so. They were two volumes. One contained all his accounts with the United States, from his first coming to Europe to January 10, 1781. Presuming that the treasury board was in possession of this account till his arrival in Philadelphia, August, 1778, and that he had never given in the subsequent part, I had that subsequent part copied from the book, and now inclose it, as it may on some occasion or other perhaps be useful in the treasury office. The other volume contained all his correspondence from March 29 to August 23, 1777. I had a list of the letters taken by their dates and addresses, which will enable you to form a general idea of the collection on the perusal of many of them. I thought it desirable that they should not come to the hands of the British minister; and from an expression dropped by the possessor of them I believe he would have fallen fifty or sixty guineas. I did not think them important enough, however, to justify my purchasing them without authority, though with authority I should have done it. Indeed I would have given that sum to cut out a single sentence, which contained evidence of a fact not proper to be committed to the hands of enemies. I told him I would state the proposition to you and await orders. I gave him back the books, and he returned to London without making any promise that he would await the event of the orders you might think proper to give." (Jefferson to Jay, August 3, 1788; 3 Dip. Corr. Rev., 1783–1789, 428.)

"On the receipt of your letter advising me to purchase the two volumes of Deane's letters and accounts, I wrote to the person who had them, and, after some offers and refusals, he let me have them for 25 louis, instead of 120 louis asked at first. He told me that Deane had still six or eight volumes more, and that when he should return to London he would try to get them in order to make himself whole of the money he lent Deane. As I knew he would endeavor to make us pay dear for them, and it appeared to be your opinion and that of the members you had consulted that it was an object worthy attention, I wrote immediately to a friend in London to endeavor to purchase them from Deane himself, whose distresses and crapulous habits will probably render him more easy to deal with. I authorized him to go as high as 50 guineas; I have as yet no answer from him." (Jefferson to Jay, March 12, 1789; 4 *id.*, 67.)

"I have received an answer from London on the subject of the other volumes of Deane's letters and accounts, suggested to be still in his possession. This information renders it certain that none such are in his possession, and probably that no others exist but the two which I have purchased." (Jefferson to Jay, March 15, 1789; *id.*, 77.)*

* The account and letters above referred to by Jefferson in his note of March 12, 1789, can not be found in the Department of State, though a diligent search has been made for them.

Explanation of his course.

§ 166. The "mystery," as it is called, of Silas Deane may be solved when we remember that he was distinguished in that part of his public life as to which there is no dispute much more for zeal than for either political sagacity or political scrupulousness. He threw himself into Beaumarchais' arms when he had no definite assurance on what authority Beaumarchais acted. The extravgant salaries and military rank he engaged to confer on French officers as inducements to come to Philadelphia show that he either duped them or was duped by his own determination to produce immediate effects regardless of consequences. The same may be said of his suggestions of unjustifiable and cruel retaliation in war, and in his recommending Congress to confer the direction of the American armies on Broglie; a recommendation which, if not attributable to political ignorance which is almost inconceivable, can only be regarded as an attempt on his part either to impose on the Broglie faction, or to sacrifice his country to promote that faction's interests. We can conceive of the effect on such a character of the neglect he was subjected to on his return to Philadelphia. He found himself not merely a suppliant, but a suppliant repelled and shunned before the very Congress in which he had taken at least a respectable part. He was poor; and it seems now plain that the charges against him of making money out of his post were baseless.* He was naturally incensed at such treatment, and that want of political scrupulousness which he had exhibited when employed for the United States he exhibited when dismissed from his employment First came letters from him, which were intercepted and published, saying that the mismanagement of Congress was bringing the country to ruin. These letters drove him finally out of the society of the patriots with whom he had previously associated, and made him an exile when independence was secured by peace. In his poverty and desolation he returned to England, and there entered into the service of the British crown against the cause of which he had been a conspicuous adherent. In so doing he was guilty of a great crime, yet a crime no greater than that committed by some of the whig leaders in the English revolution of 1688, who, when piqued by William's neglect, entered into traitorous correspondence with the court of St. Germain.

Sabine, in his work on the Loyalists (vol. 1, p. 262), closes his sketch of Deane as follows:

"A man driven to despair is to be judged mercifully. He died on board the *Boston Packet*, in the Downs, in 1789, in his fifty-third year, after four hours' illness. His wife was the rich Widow Webb."

Elkanah Watson, who saw Deane at Ghent in 1781, speaks of him as "a voluntary exile, misanthropic in his feelings, intent on getting money, and deadly hostile to his native land. His language," continues Watson, "was so strong and decided on the subject of American affairs and evinced so much hostility to his country, that I felt constrained, upon my return to Paris, to announce to Dr. Franklin my conviction

* The impression of Luzerne, however, was that Deane, while he had not made money, had speculated with the funds in his hands.

that Mr. Deane must be regarded an enemy alike to France and America. He observed to me that similar reports had reached him before, but that he had been unwilling to admit their truth." In a note is given a letter to Watson from John Trumbull, in which he accounts for Deane's course by saying that his treatment by Congress and the feeling created against him by the "intercepted letters" "rendered him obnoxious, and drove him into voluntary exile in The Netherlands, dissatisfied, exasperated, and impoverished almost to penury. Thus forced into an unnatural and friendless residence in foreign countries, he gave himself up to rage, resentment, and actual dispair, and vented his passion in execration against France, America, and mankind. In this condition you found him in the interview you mention. *He considered himself as a man not only abused and ill-requited for important services, but denied those pecuniary rewards which had been promised him for his agency in Europe.*" (Watson's Men and Times of the Revolution, 2d ed., 151, 152.)

The last lines are italicised as giving the more probable theory of Deane's defection. His poverty shows that he was enriched neither by official peculation nor by royal bounty.

On August 28, 1789, Jefferson, at Paris, wrote to Madison:

"Silas Deane is coming over to finish his days in America, not having one sou to subsist on elsewhere. He is a wretched monument of the consequences of a departure from right." (3 Jefferson's Works, 101.)

He never, however, as we have seen, reached America, dying on his way over.

Relief given to his heirs.

§ 167. The claim of Deane's heirs for compensation was brought before Congress in 1840 by a petition, which was reported on February 17, 1841, by the Senate Committee on Revolutionary Claims, favorably to the petitioners. The report confines itself to the question of Mr. Deane's accounts at the close of his mission and does not touch his subsequent conduct. The same line is pursued in a report by the Senate Committee on Revolutionary Claims on February 3, 1842, and by the House committee on the same subject on July 27, 1842. On this basis the relief asked for was, in a modified shape, granted.

CHAPTER XIV.

DANA, CARMICHAEL, LAURENS.

Dana's early congressional services.

§ 168. Francis Dana was born in Charlestown, Massachusetts, in June, 1743, and after graduating at Harvard College was admitted to the bar in 1767. He early took a part on the patriot side in the contest with England, and in 1774 opposed with vigor a resolution of compliment to Governor Hutchinson when leaving Boston for England. In 1774 he was elected to the first provincial congress of Massachusetts, and after a short visit to England, for the purpose of obtaining information as to the British temper towards America, he returned to the United States, reporting that there was no hope of satisfactory concessions. He was sent on his return to the Congresses of 1776 and of 1778, in which bodies he acted in the main with Samuel Adams,* in whom he imposed peculiar confidence, and whose distinctive political views he then shared. In the critical session at York, Pennsylvania, when Washington was at Valley Forge, he acted, as we have seen, with those who strove to restrict Washington's authority. To John Adams he felt himself so strongly bound, that he accepted, in September, 1779, the appointment of secretary to the commission on which Adams was then appointed to negotiate for peace with Britain. On November 13, 1779, both minister and secretary sailed for Europe, and landed at Ferrol, Spain, in time to reach Paris early in February, 1780. There, however, they had nothing to do. They could not, under their instructions, negotiate with Britain without the assent of France, and they could do nothing in the way of negotiating in Paris, since Vergennes had declined, in consequence of a difficulty already noticed, to correspond with Adams. With the exception of a brief visit to Amsterdam in company with Adams, on a commission to raise money in Holland, Dana remained without employment until March, 1781, when he received a commission to proceed as minister to Russia.

Mission to Russia.

§ 169. Had Dana been sent to Paris as secretary to the legation, making a suitable provision for William Temple Franklin as under secretary, the public interests would have been subserved and the amount of labor imposed on Franklin properly diminished. But Congress, under the wild notion already commented

* See *supra*, § 11, as to Dana's course on the "Cabal" issues.

on,* that money could be got by sending ministers to ask for it wherever there was a foreign court, sent him first to Amsterdam to assist Adams on an abortive expedition of this character, and then to Russia to make the same attempt by himself. It is true that, as his letters show, he was convinced of the propriety and patriotism of the procedure. His attachments to both Samuel and John Adams were strong; he imbibed, with the policy adopted by both of an unsophisticated revolutionary diplomacy, the distrust felt by the latter for France; and there is no reason to believe that during his long residence abroad he ever changed this opinion. It is true that his position in St. Petersburg was one not only of helpless inaction, but of humiliation. This was not for want of an extended field, could he have entered on it. St. Petersburg was then the center of neutral diplomatic action, and on the conclusions of the empress the future politics of the world largely depended.† Her audacious political genius, joined as it was to equally audacious domestic licentiousness, gave those admitted to court secrets not merely great opportunities for political intrigue, but themes for discussion as sensational as they were momentous. But here Dana remained in the city unknowing and unknown. His position was one of the most mortifying isolation. With the English of course he could have no intercourse, for, as appears from the Malmesbury papers, they studiously ignored his existence. Very few of his own countrymen crossed his path, and one of them, that anomalous character Stephen Sayre,‡ if he still remained there, he must heartily have wished away. Verac, the French minister, was a man of great amiability, whose interests, as well as those of France, all tended to lead him to obtain as many allies for America as he could, but Verac could not speak English nor Dana French; they could not converse, and when Verac wrote letter after letter to advise delay in pressing for recognition until a favorable answer could be looked for, Dana, after he succeeded in translating them, thought they indicated no strong desire on the part of Verac that the recognition should be granted. Dana, it is true, wrote from time to time, in English, stately letters to Russian nominal officials, in which he asked to be received by the empress, whose political ability, as well as whose virtues, he declared were highly esteemed in the United States, but to these letters the only answers he received were, as we have seen,§ rebuffs or evasions.

As to Dana's allegation, in a letter to Adams of October 18, 1782, that France sought to prevent the acknowledgment of the United States by foreign powers, Sparks, in a manuscript note in Harvard Collection, volume 32, says:

"This notion is certainly an error. In the secret convention between France and Spain dated April 12, 1779, France pressed it upon Spain to acknowledge the independence of the United States, which the latter declined. This was the only power

* *Supra*, §§ 16, 106. † See *supra*, § 92. ‡ *Infra*, § 193. § *Supra*, § 95.

on which France could exert any influence to that end." The French ministers "knew full well that no such reception could take place till the war ended, and they wisely advised the American ministers not to insist on it, as they could only meet with a refusal."

According to a note of Luzerne, given by Sparks in volume 78 of the Harvard MSS., Verac, the French minister at St. Peterspurg, advised Dana not to force his credentials on Russia, because "M. Dana l'auroit immanquablement compromis." "If we perceived in Russia," this note goes on to say, "any tendency to consider and treat the Americans as independent, it is natural to suppose that we should zealously concur in such a movement."

Even after the preliminary articles were signed he was told that he would not be received unless he produced a new commission, as the Empress could not accept a communication issued by the Colonies when in a state of insurrection; and when this pretext was given up he was informed that it was "Lent," when Catherine did not attend to secular affairs; and again, that he must wait until the signature of a definite peace. Had he, or those who forced him on St. Petersburg, been aware that it was the peculiar ambition of Catherine to build up her carrying trade by the vigilant assertion of her neutral rights, which she would have subjected to forfeiture had she lent money to the United States or even recognized them, it would have been understood that there was a reason for his repulse aside from Catharine's natural aversion to revolutions. But of these conditions he was apparently ignorant. His dispatches therefore, hereafter given, present only such views of Russia as a mere outsider would be likely to take. He prepared, it is true, an elaborate scheme of a commercial treaty with Russia, which was never presented, as he neverwas received in a position in which such a presentation could be made; for, even when it seemed probable that he might be received, he was appalled at the enormous expenses which he was told such a reception would impose on him. It was about this time Congress determined on his recall.*

Dana's views after the peace.

§ 170. After the peace, Dana's views, like those of John Adams, underwent an essential modification,† and he became convinced that it was necessary to the welfare of the country that a government should be organized in which the judiciary and the executive should be co-ordinate with the legislature. He was elected to Congress in 1784, and gave his support to the department system, which he had previously opposed. On January 18, 1785, he was appointed to the supreme court of Massachusetts by Governor

* See *supra*, § 4, for views of Hamilton and Madison as to his mission; and see index, titles Dana, Russia.

For a notice of Francis Dana by R. H. Dana, see 1 Penn. Mag. of History, etc., 86 *ff*. As to Dana's concurrence with Adams in the rebuking letters to Vergennes in July, 1780, see *supra*, § 15.

‡ See *supra*, § 4.

Hancock, and he was one of the majority of the Massachusetts State convention which ratified the Federal Constitution. In his reaction from the extreme school of New England politics to which he at first attached himself he may have swung a little too far in the opposite direction, for in his later days he seemed to doubt whether the Constitution of the United States was a sufficient safeguard against democratic inroads. But in his own State his services were eminent. He was appointed chief-justice in November, 1791, which post he resigned, on account of ill health, in 1806. He died in 1811, leaving the character of a "typical representative of the feudal gentry of New England, who looked upon themselves as the guardians of the people, and sought to preserve distinction of birth and station," * having gradually assumed a position widely apart from the inexorable doctrinaire democracy of Samuel Adams, his early chief. Dana left a son, Richard H. Dana, eminent as a poet. His grandson, Richard H. Dana, was distinguished both in literature and law, and is received as high authority in international law as an editor of Wheaton's great treatise.

Carmichael's diplomatic career.

§ 171. "William Carmichael was a native of Maryland. At the beginning of the Revolution he was in Europe. From London he went over to Paris in the spring of the year 1776, and was there when Silas Deane arrived as a commercial and political agent from the United States. He lived with Mr. Deane for some time in Paris, and aided him in his correspondence and the transaction of his affairs. It was suggested by the Prussian minister that the king would be pleased with information respecting American commerce, and would receive at Berlin any American who could give such information. Mr. Deane proposed the enterprise to Mr. Carmichael. He performed the journey in the autumn of 1776, by way of Amsterdam.

"From Berlin he returned to Paris, where he lived on intimate terms with the American commissioners, occasionally executing specific duties at their request for more than a year, till he sailed for his native country. He arrived at Boston in May, 1778, and soon afterwards received an appointment, which had recently been conferred on him by Congress, as secretary to the commissioners at the court of France. It does not appear that he ever accepted this appointment, for on the 19th of November following he took his seat in Congress as a delegate from Maryland.

"Mr. Carmichael remained in Congress till Mr. Jay was elected minister plenipotentiary to the court of Spain. He was chosen secretary of legation to the same mission on the 28th of September, 1779, and went to Spain in company with Mr. Jay, and remained with him during the whole of that minister's residence in Madrid. When Mr. Jay joined

* See Appleton's Cyclop. of Biography, title Dana.

Dr. Franklin in Paris, June, 1782, to aid in the negotiations of peace, Mr. Carmichael was left as chargé d'affaires at the court of Spain. After the peace he was regularly commissioned in that character by Congress, and recognized as such by the king of Spain.

"He continued to reside there in the same capacity during the term of the old Confederation, and for some time after the organization of the new government under Washington. In the year 1793 [1792?] Mr. Short was joined with him in a commission for negotiating at Madrid a treaty between Spain and the United States. Several months were passed in this attempt, but without success. Mr. Carmichael returned soon afterwards to the United States."* He died in 1795.

Carmichael's dispatches will be found at large in the following volumes. He seems to have distrusted Deane, and when in Congress was appealed to as having expressed this distrust. With Arthur Lee his relations were far from friendly, and against him Arthur Lee sent to Congress divers complaints. With Franklin his relations were those of peculiar confidence.†

Of Carmichael, Jefferson, in a letter from Paris to Monroe, of January 27, 1786, writes:

'With him I am unacquainted personally, but he stands on advantageous grounds in the opinion of Europe, and most especially in Spain. Every person whom I see from thence speaks of him with great esteem. I mention this for your private satisfaction, as he seemed to be little known in Congress." (1 Jefferson's Works, by Washington, 526. See also 2 *id.*, 107.)

Henry Laurens' diplomatic appointment.

§ 172. Henry Laurens was born in Charleston, South Carolina, in 1724, of Huguenot lineage. He began his business career as a clerk in a counting house in Charleston, and then, after a short experience, became, in 1740, a clerk in a London house, in which position he remained several years, and made numerous acquaintances, laying also the foundation of his fortune by independent speculation. Returning to Charleston, he took a leading position as a merchant, amassing a considerable estate, a portion of which he invested in England. His interest in shipping brought him into several controversies with the British admiralty court, sitting at Charleston, and in the publications he made relative thereto he showed wit, zeal, and skill. His attachment to England was strong, and serving as lieutenant-colonel in 1761, under General Grant, he took ground with that officer in disputes in which he was involved with other American subordinates. In 1765 he sustained the constitutionality of the stamp act, and was at that period much opposed to forcible resistance to British authority. Visiting England in 1771, he remained there and on the Continent of Europe more than three years, making judicious investments in foreign funds, and superintending the education of his children. In 1775, having returned to Charleston, he was a member of

* 5 Spark's Dip. Rev. Corr., 3. † See index, titles Carmichael, Franklin.

the first provincial council of South Carolina. The announcement of the Declaration of Independence he heard, so he tells us, with pain, but he afterwards acquiesced in it, and, on his election to Congress, where he took his seat on July 22, 1776, he gave the principle of independence his support. He agreed with Franklin and Morris as to the impolicy of issuing paper money without a pledge of adequate taxation to secure it; and, not merely because he was opposed to issuing paper without the certain means of redeeming it, but because he distrusted France, he was opposed to drawing and putting in circulation bills on France until assured that they would be paid.*

On November 1, 1777, he was elected President of Congress, and became on several occasions, as we will hereafter see, its organ in conducting its diplomatic correspondence. On December 1, 1778, he resigned as President, and his business affairs becoming deranged, and his position in Congress becoming one of difficulty for reasons to be presently noticed, he sought, as the papers of the day tell us, a foreign appointment; and in October, 1779, he was elected minister to The Netherlands, with instructions to negotiate a treaty with that country, and if possible to obtain there a loan. He took passage at Philadelphia on August 13, in a small packet boat called the *Mercury*, under the convoy of the sloop-of-war *Saratoga*, which, however, five days after they were at sea, returned to port. On September 3, the *Mercury* was chased and finally seized by the British cruiser *Vestal*. According to Laurens' statement, in a letter hereafter given under date of September 14, 1780, "certain papers, among which were all those delivered to me by Mr. Lovell and the board of admiralty, fell into Captain Keppel's hands. These papers had been inclosed in a bag, accompanied by a reasonable weight of iron shot, and thrown overboard, but the weight proved insufficient for the purpose intended.† * * * I

* See his letter of Sept. 10, 1777, giving his reasons, in 2 Gibbes' Doc. Hist. Rev., 88. In this letter he states that the vote against him was 21 to 5; "Col. Harrison, Mr. John Adams, W. Duane, W. Middleton, and Mr. Laurens, nays." "The enemies near each other, and within thirty miles of this city;" which may account for the adoption of so strong a measure.

† In a narrative published by Laurens after his return a somewhat different account is given. "Before my embarkation I applied to a member of the committee for foreign affairs for a copy of a sketch of a treaty projected by Mynheer Vanberkel, of Amsterdam, and Mr. William Lee, in the service of Congress, as a foundation for what might be a proper treaty between the United Provinces and the United States when the independence of the latter should be established. The gentleman replied 'you may take the original, it has never been read in Congress, and is a paper of no authority.' He gave me the original. I threw it into a trunk of papers, chiefly waste, intending to garble the whole at sea, and preserve the few which I should think worth saving. This unauthentic paper—the project-eventual of two gentlemen in their private capacities—was made by Great Britain the foundation of a war with the United Provinces. * * * Such papers as were thought to be of importance, on board the *Mercury*, were thrown overboard or burned; but the trunk of useless papers above mentioned remained. My secretary, Major Moses Young, asked me what he

should be wanting in justice, and indeed deficient in common gratitude, were I to omit an acknowledgment of Captain Keppel's kindness to myself and to everybody captured in the *Mercury*. Captain Pickles' conduct while he had command of that vessel was perfectly satisfactory to me."

It was not strange, in view of the fact that the disclosure of the papers thus seized led to an almost immediate declaration of war by Britain against The Netherlands and by the seizure by British cruisers of all Dutch merchantmen which could be found, that the circumstances of this seizure should have been closely scrutinized. No disclosure of this kind perhaps ever had such momentous consequences. To the British ministry the papers appeared to show that the Dutch Government was preparing to join France and Spain as soon as its navy was in proper trim and its merchantmen notified of the danger impending. Had such a union been effected the Dutch navy, added to the French and Spanish, would have given the allies a decided naval superiority. Believing, or claiming to believe, that this danger was imminent, Britain anticipated it not merely by blockading Dutch ports and preventing the Dutch navy from going to sea, but by filling the coffers of British cruisers by the enormous prize money collected by the seizure of Dutch merchantmen. Under the shock of results so disastrous to the allies they naturally examined with not very friendly eyes Laurens' course at the time of his capture. His English attachments, it was said, had been well known prior to his sailing, and may perhaps have prevented him from availing himself of a French man-of-war or a French convoy, as he might have done, instead of taking a mere brigantine and in it venturing on waters so frequented by British cruisers as were those of Newfoundland. This criticism, however, had no just ground or foundation, since Laurens when he sailed had the convoy of an American sloop-of-war, and it was through a disobedience of orders for which he was not responsible that he was not accompanied by two American frigates, who would have given him ample protection. It is not so easy, however, to acquit him of negligence in not destroying the draft-treaty. By his first statement all his papers were thrown overboard together and seized by the

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should do with them. I replied, 'They may remain where they are; they are of no consequence.' But recollecting there were private papers among them, and being urged, I consented they should also be thrown overboard. This was done in some confusion, the papers being put in a long bag and twenty or twenty-five pounds weight of shot upon them. The air in the long bag buoyed up just the mouth of it. The people on board the frigate instantly perceived and hooked it up. These were Mr. Laurens' papers, so much talked of throughout Europe, for arranging of which the British ministry gave Mr. Galloway, according to report, £500 sterling, and were at farther expense to bind in rough calf, gild, and letter them in eighteen folio volumes, and afterwards returned the whole to Mr. Laurens again."

The narrative referred to above is in vol. 1, of the Collections of the South Carolina Historical Society, 18 *ff*. In 18 Magazine of American History, 1 (July, 1887), is given an abstract of this narrative. An account of Laurens' capture is given in the London Annual Register for 1780, 329.

British. By his second statement it was only papers which he thought were of no consequence that were thus captured. Taking either statement, however, he had ample opportunity to destroy this paper, and it is not strange that the French and Dutch Governments were not satisfied with his excuse given in his second statement, that he did not consider the paper to be important. His laudations of the officers of the *Vestal* were also criticised, and taking them in connection with the confused, contradictory, and sometimes compromising letters written by him in the Tower, to be noticed in the next section, exposed him to just censure. Of disloyalty he can not be justly accused. But that he was deficient, in critical moments, both in sagacity and in resolution several incidents of his life show. When in Congress he permitted himself to write letters attacking the revolutionary machinery, which, intercepted by the British and published, were not without mischievous results.* Carried away by the Saratoga victory he for a time attached himself personally to Gates, while he not unnaturally strove to concentrate political power in Congress, of which he was at the time president, yet he did not show the persistency in this line displayed by the "Lees and Adamses," and under the influence it may be of his gallant son he sought, when the movement against Washington failed, to bring Gates, as we have seen, once more in friendly relations to Washington. Of his course in the Tower we will speak in the next section, but it may be here said that on referring to his letters when thus imprisoned † it will be noticed what contradictory statements came from him as to the treatment he there received and as to the aid which came to him from his friends. The same irresolution was exhibited by him when released and when the question of his assuming the position of

* Henry Laurens' "intercepted" letter of Aug. 27, 1778, in which he refers (or is alleged to refer) to the "scenes of venality, peculation, and fraud" in Congress, is given in the London Chronicle for 1778, I, 573.

The same kind of attack on Congress is repeated in a diary which appears to have been kept by him when in the Tower. Charges of this kind coming from him were eagerly caught up by the ministry as proof of the hollowness of the American cause.

Laurens' high sense of the prerogatives of Congress and of his dignity as President may have been the cause of some of the difficulties which attended his presidency. If things did not go as he liked he did not hesitate to express his disapproval in terms not very decorous, which, when published, as in the case of the intercepted letters, involved him in serious difficulties with one of the parties attacked. His treatment of Charles Thomson, secretary of Congress, one of the purest and most patriotic of men, was peculiarly outrageous (see full details given in Thomson's letter of September 6, 1779, published in 6 Potter's Am. Monthly, 264). It was said to be one of the results of irritated feeling arising from this and other incidents that there was no vote of thanks passed to him on his resignation as President. But Laurens' resignation, which was put on the ground of ill-health, was offered on December 12, 1777.

In a letter of April 4, 1779, to Governor Caswell, of North Carolina, Laurens defends himself from the charges of the North Carolina delegates in Congress.

† See index, title H. Laurens' Papers, in vol. 1 of the Collection of the South Carolina Historical Society, 18 Mag. of Amer. History, 1; and Moore's Materials for History, first series.

peace commissioner came up. Whether he would act or not; what was his position as to negotiating apart from France; what was his precise attitude as to the fisheries; why, after peace, he should have remained abroad for three years, are questions as to which in his correspondence this same irresoluteness is displayed. If the letters of Benjamin Vaughan in the Lansdowne collection are to be relied on, Laurens was ready after his release and exchange to enter into peace negotiations in London apart from Franklin and Jay, and that he was deterred from this course by Adams' refusal to act with him. But be this as it may, the influence he exerted in the formation of the treaty was but slight, and his attitude as to the mode of its negotiation and as to its leading provisions, so uncertain as to deprive his course in respect to it of political weight.

He died at Charleston on December 8, 1792.*

A pamphlet controversy arose in 1782–'83 between Henry Laurens and Edmund Jennings as to certain anonymous letters sent to the commissioners for the apparent purpose of sowing dissension, which Laurens charged Jenings with writing. A copy of Laurens' pamphlet is in the Congressional Library, and is elsewhere noticed, and he bases the charge on Jenings' suspicious conduct in other matters and on semi-admissions. In reply to Laurens Jenings published "a full manifestation of what Mr. Henry Laurens falsely denominates candor in himself and trick in Mr. Edmund Jenings," London, 1783. A copy of this pamphlet is in the library of the Historical Society at Philadelphia. It contains eighty pages of text, and is of little historical interest, three-fourths of it being occupied with the writer's answer to the charge of endeavoring to sow dissensions between the American commissioners by an anonymous letter. He states that the post of secretary to the commissioners was not, as Laurens charges, sought by him, but that the nomination came from the unsolicited suggestion of Adams.

His course in the Tower.

§ 173. As to Henry Laurens' course in the Tower there has been some uncertainty. He was undoubtedly, through the privations to which he had been subjected, in such a weak state of health, nervous and physical, as not to be responsible for statements imputed to him, even supposing they were made by him. We do not know what was told him, or how his mind was affected by what he thus heard, or how accurately remarks he is said to have made were reported. Statements supposed to have emanated from him as to the brutality of his treatment were contradicted by other statements to which his name was subscribed; and his complaints that he was neglected by his countrymen, and especially by Franklin, are met by letters from Franklin to Cooper of November 7, 1780, and from Franklin to Hodgson of November 19, 1781, showing that Franklin had interposed in his behalf, and had forwarded money for his relief. It was further alleged that when in the Tower he wrote a letter to the speaker of the House of Commons, claiming indulgence, not as an American envoy, but as a former British subject, who, when President

* Letters of both Henry and John Laurens, with a memoir by W. Gilmore Simms of John Laurens, are given in the seventh volume of the publications of the Bradford Club, New York, 1867.

of Congress, had been recognized as such by the British peace commissioners, and who had been particularly kind to "loyalists and quietists" as well as to British prisoners. This letter was the subject of animated discussion in Congress on September 19, 1782,* but its publication was not considered by a majority of Congress to afford ground for his recall from the peace commission, to which he had been previously appointed. And there may be now a general acquiescence in Rives' summary of this painful controversy, that Laurens' subsequent course "atoned, in Mr. Madison's estimation, for this momentary departure from the elevated bearing of an American representative; the unhappy effect, doubtless, of a long and debilitating confinement, and the derangement of health, mental and bodily, which it superinduced."† Nor was there anything clandestine about this letter, or anything promising a change of allegiance, such as there was in the letters sent by some of the ministers of William III to the court of St. Germain. Laurens' letter was sent to the House of Commons for publication, and was afterwards referred to by him without any appearance on his part of regarding it as showing a spirit disloyal to the United States. It was not meant by him to be such. It was not the letter of a hero; but he was at the time a very sick man; the condition of affairs, with the little information he then had, may have seemed to him desperate; and while not forsaking the cause, apparently lost, he may be excused for pleading, in his sick and solitary imprisonment, his prior good relations with England as a ground for relief.

As to Laurens' treatment in the Tower the following, from the London Annual Register of 1782, 148 *ff.*, may be of interest:

"As a farther proof of the partial and oppressive conduct of government towards the lieutenant-general, Mr. Burke informed the house that he had received a letter from Dr. Franklin inclosing a resolution of Congress by which he was empowered to treat with the British ministry for the purpose of exchanging General Burgoyne for Mr. Laurens. This negotiation Dr. Franklin had requested Mr. Burke to undertake, and he had accordingly made the proper official applications, but hitherto without effect.

"In the conversation which afterwards took place on this subject the charge of Mr. Laurens having been treated with unusual rigor was positively denied. In proof of this assertion a letter was read from the lieutenant-governor of the Tower, dated November, 1780, in which he acquaints one of the secretaries of state that he had waited on Mr. Laurens for the express purpose of satisfying himself with respect to the treatment he had received, and that he learned from his own mouth that he had met with every civility and kindness that he could possibly hope for. A member also got up and declared that the lieutenant-governor had again visited his prisoner within the last three days, and that he had not heard there was the smallest ground of complaint.

"Between these contradictory assertions the matter remained suspended till the day of adjournment of the house, when Mr. Burke brought up a *representation and prayer*, addressed to the House of Commons by Mr. Laurens himself, which was, on

* See *infra*, under that date; see also Madison to Randolph, Sept. 24, 1782; Livingston to Adams, Nov. 18, 1782. That he wrote this letter is admitted by him in his statement published in the Collection of the South Carolina Historical Society.

† 1 Rives' Madison, 346, note.

a motion, laid on the table. It was remarkable that this petition was written by Mr. Laurens himself with a black lead pencil, he having, as is supposed, refused to accept of some indulgences that had been lately offered him, and among the rest that of pen and ink, the use of which had been, during the greatest part of his confinement, strictly forbidden him.

"It may not be improper in this place to add that the admission of Mr. Laurens to bail and the exchange of General Burgoyne, which soon after took place, together with the subsequent alterations in the political government of the country, made it unnecessary for Mr. Burke to proceed with his intended bill of regulation."

Of Laurens' arrival at the Tower we have the following notice by Horace Walpole:

"Lord George Gordon has just got a neighbor—I believe not a companion; for state prisoners are not allowed to be very sociable. Laurens, lately President of Congress, has been taken by a natural son of the late Lord Albemarle and brought to England, to London, to the Tower. He was going ambassador to Holland, and his papers are captured too. I should think they could tell us but what we learnt a fortnight ago; and (which is more wonderful, what we would not believe *till* a fortnight ago) that there is an end of our American dream. Perhaps they will give us back a cranny in exchange for their negotiator." (Walpole to Mann, October 9, 1780; 7 Cunningham's Walpole, 450.)

An article by Peter Force on Henry Laurens in the Tower is in the Historical Magazine for March, 1867. In the same paper for February, 1867, is an abstract of the congressional debate of May, 1779, on Laurens' correspondence with Houston.

In 7 Franklin's Works, Bigelow's ed., 303, *n.*, will be found an animated sketch of Burke's proceedings in the House of Commons in reference to Laurens' release.

The question of the exchange of Laurens for Cornwallis, as discussed in Congress, is noticed in 1 Madison Papers, 202 *ff.*

John Laurens, his mission to France in 1780.

§ 174. The diplomatic career of John Laurens, son of Henry Laurens, while brief, was highly honorable. In the army he was in service as aid-de-camp to Washington, whose peculiar favor he enjoyed. An accomplished scholar, having been educated in part in Geneva, in part in London, he was appointed on September 28, 1779, secretary to the Paris legation. This appointment he declined, but on December 23, 1780, being then in his twenty-fifth year, he was chosen by Congress as special envoy to Paris, in order to press on the French court, as from his military experience he was peculiarly capable of doing, the need of further aid for the army. He arrived in Paris on March 19, 1781, where he displayed much energy and zeal, and where, according to Sparks, his "forwardness and impatience were somewhat displeasing to the French ministry, as not altogether consistent with their ideas of the dignity and deference belonging to transactions with courts. They made allowance, however, for the ardor and inexperience of youth, and seemed not to have been influenced by those objectionable points of manners in their estimation of his noble and generous traits of character or in their disposition to listen to his requests."*

* 5 Sparks' Dip. Rev. Corr., 144.

A detailed account of John Laurens' mission is to be found in Simms' "Army Correspondence of John Laurens," New York, 1867, 32 *ff.* While this work does no more than justice to John Laurens' gallantry and patriotism, it places too high a valuation on his attempt at Paris to negotiate a loan.

In the following volumes will be found the annals of his mission as given by himself, showing at once his zeal, his modesty, and his disappointment, a disappointment attributable much more to the mistake made by Congress in sending him to France with instructions so peremptory and urgent, than to any want of due effort by himself.*

After an absence of six months he returned to America, where, after gallant services at Yorktown, he died, on August 27, 1782, of a wound received in repelling a British marauding party from Charleston. He thus, in almost the last action of the war, lost a life than which few others in that war was more marked by both gallantry and merit.

The following may explain the attitude of the French court to Colonel Laurens:

"Little accustomed to the usage and manners due to the ministers of a great power, Colonel Laurens presented many demands not only with pressing importunity, but menace. * * * He has neglected me since I announced to him the determination of the king, and has allowed himself to make complaints and indiscreet remarks because he could not obtain all he demanded. I ask you to explain the matter to Congress. I desire that such demands may not be repeated. It is painful to us to be put under the necessity of refusing assistance, and especially upon formal applications from Congress; and it will be well for you to hint to that body that France is not an inexhaustible mine." (Vergennes to Luzerne, May 11, 1781; Sparks' MSS., Harvard Collection, vol. 32.)

On the other hand Vergennes, though not much impressed with John Laurens' tact when on an independent mission, became so much impressed with his zeal, his energy, and his accomplishments as to suggest him as peculiarly qualified for the post of secretary of the legation at Paris. What Franklin needed—Vergennes urged—was not a colleague, but a capable and high-toned secretary, and this John Laurens would have been.

John Laurens' election as special minister is criticised in the Pennsylvania Gazette for March 18, 1781. His youth and inexperience are mentioned as objections to his being put in a position of such importance. And as showing the undue tendency in Congress to rely on young men, it is stated that Hamilton, then only twenty-three years of age, "on the first balloting had as many votes as Colonel Laurens." It was important to send a soldier on this special mission, the object of which was to detail to the French Government our military condition; and in the whole army there could not have been found men, young or old, more competent for this purpose than John Laurens and Hamilton. Laurens' distinctive advantage was his familiarity with French, he having been in part educated in France.

Of John Laurens Washington said: "He had not a fault that I could discover, unless it were intrepidity bordering on rashness." He was in every battle in which Washington was engaged after the battle of Brandywine; was severely wounded in the attack on Chew's house at Germantown, and afterwards at Cossawatchie, in South Carolina. At Yorktown he commanded in the capture of one of the two redoubts that were stormed.

A life of John Laurens, by W. Gilmore Simms, is given, with a portion of his correspondence, in the seventh volume of the publications of the Bradford Club, New York, 1867. A letter of his, giving some idea of his literary skill, is given *infra*, § 178. For letters to and from him, see index, title J. Laurens.

* See index, title J. Laurens, where reference is made to his instructions, to his dispatches, and to the views of his mission expressed by Adams, Franklin, and Vergennes. Of J. Laurens' literary ability we have a specimen in his paraphrase of Izard's letter denouncing Franklin, given *infra*, § 178.

CHAPTER XVI.

WILLIAM LEE—IZARD.

William Lee's English associations.

§ 175. William Lee, a brother of Arthur, was in London in a business capacity in 1775, and being then a British subject, was elected on the Wilkes ticket as an alderman of the city of London. What was the character of the Wilkes party and what was the influence of Wilkes on his partisans has been already considered.* It is sufficient here to say that William Lee was one of the extremest of these partisans. Thus in June, 1776, at a meeting of the aldermen of London, who were almost all of them liberals, William Lee, on a motion to set aside, in favor of Wilkes, the election of Hopkins as chamberlain, was in a minority of two against eleven, taking a position which was on its face preposterous.† In the speech made by Wilkes at this meeting, while strong sympathy was expressed for America, yet the attitude of loyalty to the British crown was maintained, and it was one of the objections made to William Lee, in the discussions in Philadelphia in 1777 and 1778, that as late as 1778, while holding office under Congress, he at least retained the formal allegiance involved in holding public office in England.

In the London Chronicle for December 22–24, 1778, is given a letter from "Alderman Lee," dated Frankfort, October 14, 1778, "expressing the impossibility of his attending to the duties of alderman in the present lamentable situation of affairs and his readiness to resign his gown whenever it may be agreeable to his constituents," stating also that he is "no stranger to the many aspersions which have been cast upon me." A resolution was passed that, "as there are no well-grounded expectations of his early return to this kingdom, it is the opinion of this wardmote that he be requested to resign the office of alderman."

On January 19, 1780, his resignation was received, and the next day appointed for filling the vacancy. (London Chronicle for 1780, I, 71.)

His commercial appointments.

§ 176. The conflict as to William Lee's right to take into his own hands the entire control of the business affairs, naval as well as commercial, of the United States in French ports has been already noted, and the advantage as well as the disadvantage to him of his powerful family connections has been referred to.‡ It has also been seen that, in the opinion of Jay, the underlying difficulty in the way of putting our marine affairs on a solid basis was the deter-

* *Supra*, §§ 138, 139. † See 19 Annual Register, 154. ‡ *Supra*, § 153.

mination of this powerful connection, with its allies, not to permit William Lee to be disturbed in his commercial agency of so great influence and emolument.* According to Sparks,† his hold on the commercial agency arose as follows:

"At the beginning of the year 1777 the commercial concerns of the United States in France, particularly at the port of Nantes, became important. For various reasons they were not well managed in the hands of the first agent, Mr. Morris, and the committee of secret correspondence appointed Mr. William Lee as a joint commercial agent. He was informed of this appointment in April by a letter received in London from Mr. Deane. Being detained by his private affairs, he did not arrive in Paris till June 11. Here he found no commission to act as commercial agent, nor any other notice of his appointment than what had been communicated to Mr. Deane in a letter from the committee of Congress. Not deeming it expedient to act upon this authority alone, he remained in Paris till August 2, when, by the recommendation of Dr. Franklin and Mr. Deane, he repaired to Nantes. The disagreements between the agents there had brought the public business into disorder, which Mr. Lee was desired to use his influence in correcting. He stayed in Nantes two months, and then returnedto Paris, not yet having received any formal commission as commercial agent."

But while the commercial agency, in the proper sense of the term was thus in abeyance, it became necessary for Franklin and his fellow commissioners at Paris to take action as to the naval interests of the United States in French ports, such interests being consigned to the control of the commissioners. The privateers of the United States in particular, shut out by blockade from their own ports, sought French ports for outfit and for the sale of prizes, and innumerable as well as important were the questions thus arising, covering sometimes the disposition of large sums of money. In July, 1777, William Lee's commission not having arrived, and Thomas Morris, who had been appointed joint commissioner, proving incompetent, Franklin and Deane, having authority over the naval department of our affairs in France, appointed Jonathan Williams to the charge of that department. The propositions made to him by William Lee for a partnership in that department, and his removal and the appointment of William Lee in his place, are hereafter noticed.‡ It is sufficient here to say that William Lee had for a time the entire control of the commercial interests of the United States in France, employing his nephew as clerk, and a foreign firm, Schweighauser & Co., as his agents. The arrangement was far from being economical,§ but the question of its maintenance was, as we have seen, one by which the policy of Congress in foreign affairs was largely affected. It was, according to Jay, the desire to retain William Lee in his post that was one of the motives of the strong opposition in Congress both to Franklin and to the establishment of an independent department of foreign affairs.

* *Supra*, § 156.

† 1 Dip. Rev. Corr., 589.

‡ *Infra*, § 187.

§ See *infra*, § 187; index, title William Lee, Franklin, Schweighauser.

His diplomatic positions.

§ 177. Sparks* thus narrates the diplomatic annals of William Lee:

"Meantime, on the 9th of May, Mr. William Lee had been elected by Congress a commissioner to the courts of Vienna and Berlin. His commission and instructions were waiting for him in Paris on his arrival, October 6. The commission was dated July 1, and gave him 'full power and authority to communicate and treat with his imperial majesty the emperor of Germany, or with such person or persons as shall be by him for such purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable, and universal peace, for the defense, protection, and safety of the navigation and mutual commerce of the subjects of his imperial majesty and the people of the United States.' He had a separate commission to the court of Berlin, worded in the same manner.

"The state of things at that time in Europe was not such as to warrant Mr. Lee in rendering himself at either of the courts of Vienna or Berlin. He remained nearly a year in Paris, waiting the issue of events. At length he went to Frankfort, in Germany, where he took up his residence, as a point convenient for his operations, till the time should arrive for some decided step with reference to the main object in his mission. On the 4th of September, 1778, he agreed to a plan of a treaty between The Netherlands and the United States. This was done at Aix-la-Chapelle, where he met M. de Neufville, the Dutch agent. But as M. de Neufville acted only in his private capacity, this treaty was never ratified or matured.

"In March, 1779, Mr. Lee was in Paris, endeavoring to engage the French ministry to aid him in advancing his views in Germany. Failing in this purpose, he returned again to Frankfort, where he continued to reside during the remainder of his mission. He was recalled by a resolution of Congress, dated June 9, 1779, but not required to come to the United States. Towards the end of the year he retired to Brussels, where he continued to live with his family for some time afterwards."

Of William Lee's fruitless essays at recognition by the courts to which he was commissioned the following correspondence gives full details, and it will be seen that so far as Prussia was concerned these efforts were brought to an end by a summary repulse by Frederick the Great to which the United States ought never to have been exposed.† With Franklin his relations were embittered by the fact that Franklin not only disapproved of his course in the commercial agency, but held that while filling this agency, and while without any diplomatic position whatever at the courts of Vienna and Berlin, he was not entitled to a salary as resident minister at either of those courts.‡ His last appeal for diplomatic employment was in a letter to the secretary of foreign affairs, dated at Brussels, March 31, 1782, in which he says:

"It has been mentioned to me by a gentleman in the government here that the emperor is disposed to enter into a commercial treaty with America, and afterwards that a minister or resident from Congress should reside at court here, this being the principal commercial country belonging to his majesty. Though this communication was not official, yet it appears as if it had been made to me from their knowing that I was formerly a commissioner of Congress at the court of Vienna; therefore I

* 1 Sparks' Dip. Rev. Corr. 589.

† See *supra*, §§ 19, 144; and also index, title William Lee, Arthur Lee. As to William Lee's proposal that he should be sent as minister to The Hague, see *supra*, § 126.

‡ See Franklin to committee, May 26, 1779, and other papers referred to in index under title of Franklin and William Lee.

think it my duty to inform Congress of the circumstances through you, that they may take such measures in it as they think proper."

He proceeds to say that "in my opinion 15,000 livres tournois *per annum* would be a sufficient appointment for an American minister to reside at this court, for his salary and expenses together."

But Livingston did not accept this suggestion, nor as far as the records show make any reply to the offer. And, in point of fact, the emperor had given emphatic signs that he did not then desire to have an American minister residing in his realm.

Sparks, in an article in the North American Review of April, 1830 (vol. 30, p. 493), points out a series of mistakes made as to William Lee by the biographer of Arthur Lee. He shows that William Lee never acted as United States agent at Holland; that he did not leave Paris for Berlin until several weeks after Arthur Lee's return; and that he remained in London until June, 1777, acting as alderman; as to each of which points the biographer is mistaken.

Of William Lee Hutchinson thus writes:

"*January* 20, 1780—Mauduit called in the evening; conversation upon Lee, one of the aldermen, who has been near two years abroad, employed at different courts, engaged in behalf of revolted America, and yet he has continued alderman until a few days ago he sent his resignation." (2 Hutchinson's Diary, 327.)

A curious episode in William Lee's history is given in detail in the Lee papers in the University of Virginia. It seems that "Petrie," an American living in Paris in 1778, reported that advance news of the signature of the treaty of alliance was forwarded by "Alderman" Lee to London for the use of his business friends. It so happened, as we will see, that the Lees had denounced Bancroft for, as they said, making similar use of the same information. They were therefore peculiarly indignant at the aspersion; and William Lee at once wrote to Petrie for his authority. This Petrie refused to give. On May 26 William Lee repeated the demand. On May 28 Petrie asked for delay on account of ill-health, which precluded him for the time from correspondence. The demand, however, was renewed a few days afterwards, when Petrie finally stated that he would neither retract nor apologize. Thereon William Lee, on July 24, 1779, challenged Petrie to the "field of honor." Petrie accepted the challenge, seconds were provided, but much discussion arose as to the proper place of action. Finally, after one or two balks, Valenciennes was agreed on and an hour fixed for the encounter. William Lee, however, was kept back by an accident to his horses. Another meeting was appointed from which Petrie was kept back by his carriage breaking down. This excuse William Lee thought was frivolous; but no third meeting was called for nor was there any retraction by Petrie. The truth is that the charge against William Lee of using the news for stock jobbing, like the similar charge against Bancroft, could not be substantiated, for the reason that Franklin took the first opportunity, for political purposes, of advising his whig friends in England of the signature.*

Izard's diplomatic position.

§ 178. Ralph Izard, of South Carolina, as he tells us in one of his letters, was a gentleman of fortune, who had been living in England from 1771 to the breaking out of the war, when he removed to Paris. On July 1, 1777, he was appointed as minister to the Grand Duke of Tuscany, he being one of the ministers whom Congress then commissioned to various European courts without any prior understanding as to their reception.† Of all this line of en-

* See *infra*, § 196.

† *Supra*, §§ 16 *ff*, §§ 106 *ff*.

voys, unsuccessful as they were, Izard was the one who made the least progress towards his destination. In fact he never left Paris until Congress terminated his mission on June 8, 1779. He was, however, far from being inactive when in Paris in matters diplomatic and undiplomatic. His correspondence, which appears at large in the following volumes,* shows that he was occupied, when in Paris in lively and bitter controversies, as follows: First, as a diplomatic representative of the United States in Paris he claimed the right to take part in the consultations with the French court of the ministers commissioned to that court; and on this right not being conceded to him he addressed Franklin notes almost unexampled in literature for their prolix vituperation, which notes he backed up by denunciations in the same line addressed to Congress and to Vergennes. Second, he insisted on certain exemptions of his goods from duties, in which he did not succeed, but which led to an annoying discussion, into which the ministers to the French court were dragged. Third, he insisted on being paid, out of funds collected by Franklin in France, a salary for his services as minister to Tuscany during the entire period he remained in Paris, he never having even visited Tuscany. This claim was rejected by Franklin, which increased the alienation between them.† With Arthur Lee he was on intimate terms; and in some points he was sustained by Adams, who, however, said that "his passions are always strong, often violent," that he was without "experience in public life," and that he ought "to have been in Italy;"‡ and Adams was forced to deny the accuracy of statements imputed to him by Izard as the "peevish ebullition of the rashness of his temper."§

How far Franklin could have avoided the rupture with Izard, mortifying and annoying as it was, has been already considered.‖ Perhaps the best apology for Franklin will be found in Izard's letters as they appear in the following pages.*

The following, from Moore's Materials for History, is a parody, not without force, on Izard's letter to Henry Lauren's denouncing Franklin:

R. I., esq. to H. L., esq.

"A liberal and just translation of the letters of R. I., esq., to his excellency H. L., esq., done for the benefit of those Americans who are ignorant of the language in which they were written."¶

"PARIS, 1778.

"DEAR SIR: I write this to you and desire you to communicate it to my countrymen in Congress, who, I hope, will exert themselves in my favor. If you and they are satisfied that my former letters have made the impressions that I wish, you will then be so good as to lay this before Congress; if, on the contrary, you think their minds are not properly prepared, you will withhold it, as I do not wish it publicly known

* See index, title Izard.

† As to rightfulness of claim, see *supra*, § 108.

‡ Adams to Lovell, Feb. 20, 1779.

§ Adams to Lovell, Oct. 17, 1779, *infra*.

‖ *Supra*, §§ 126, 149.

¶ This "translation" is in the handwriting of Col. John Laurens.

till it is likely to produce the desired effect. My situation here is very tormenting; I have received two thousand Louis d'ors of the public money, as I informed you in my letter of , and have done nothing in my proper department; but my letters will convince you that I have not been idle. Upon my coming to this place I found the commissioners at variance; I wished to be on the side of Franklin and Deane, but the former was too wise to be my dupe, and treated me with reserve; the latter too haughty to be guided by me, and treated me with contempt, which you know was too mortifying for me to bear. I therefore had nothing left but to cross the Alps or fall in with a man who from many years' acquaintance I knew was not accounted the mildest and best-natured in the world. I chose the latter, and how busily I have been engaged the present, as well as former letters, with the inclosed papers, will sufficiently evince. I do not want to be troublesome to my friends by soliciting their interest in my favor, as it would be much more agreeable they would take a hint, and, without forcing me to a direct application, procure me a post and place more suited to my inclination and ambition; favors unasked confer a higher gratification.

"I thought I had spoken plain enough before, and sufficiently explained my wishes when I told you I was willing to act as envoy or minister plenipotentiary for Italy, in which case it would be necessary to have as many commissions as courts, so that I might travel in state from court to court, and reside where I pleased, without being confined to Florence or Leghorn; at the same time I informed you that it would be still more agreeable to be appointed for Versailles until the British ministry return to their senses, and, by acknowledging our independence, give an opportunity of sending me to the court of London, which has ever been the height of my ambition. I could not entertain a doubt of being gratified in one or other of these points, and that my first excuse for not crossing the Alps, namely, that the Tuscan minister had informed me his master did not wish to see me, though he entertained a good-will for America, until France took a decided part in our favor, as by the conduct of France he means to regulate his own; that this excuse, I say, would have served my turn until I should receive your answer. Unfortunately, France has come to a determination, has signed a treaty with us, acknowledging our independence, and sent a fleet to assist, and minister to reside in America; and still I am here without having received a line from you or the committee for foreign affairs or from Congress, and with only a single commission for the court of Tuscany. For this reason I intimated my pleasure to you that you would oppose the ratification of the treaties and set matters again afloat, assigning the best reasons I was then able to devise, interspersing with a liberal hand as much personal abuse on Franklin and Deane, who had, in spite of my endeavor, brought this matter to so speedy an issue, as I thought was sufficient at least to convince you how much they thwarted my views and how much I hated them; and that, therefore, they ought to be removed with disgrace and infamy; and until I could know the effects of this, I cast about for another reason for my not leaving this place. Luckily the broils in Germany furnished a very ostensible one. I got the Tuscan minister to say that his master wished me not to appear at his court until he knew what part the court of Vienna would take, as by the conduct of that court, with which he is so intimately connected, he must regulate his own. Before that is done I hope for your answer, and that Congress will gratify me so far as to disgrace Deane and remove Franklin, to make room for me at Versailles, when I assure them that they have acted very foolishly in the appointment of Mr. Deane, who is every way unqualified for the trust reposed in him. It may be said Congress knew him well before they trusted him, he having been for some considerable time a member of that body; but I say, search the world through, and a more unfit person could not be found; and, as I hope, they will allow me to be a better judge of men, manners, and abilities, I say again he is totally unqualified for the post he has filled, and not to be trusted in future. This I hope is sufficient, but if not, I do assert, nay I can prove, that he is a ——— New England man; and though he has

sent you supplies of arms, ammunition, and clothing, fitted out vessels, and without deigning to consult my worthy friend A. Lee, esq.—nay, I may say, has almost without him brought about the treaty, and has procured the fleet and minister to be sent you without the knowledge of A. Lee, esq., or myself,—yet I affirm, nay, I will swear if you require it, that he has such a hauteur about him that nobody can do business with him. And as to Franklin, he is a crafty old knave; he would not let me have a copy of the treaty after it was signed, though he knew how anxious I was to have it, and how much advantage I could have made of it. In my conscience I believe he has neither honor nor honesty; he has abilities, it is true, but so much the worse when they are not under the restraint of virtue and integrity, and I declare before God he is under the restraint of neither; and if Congress still doubt it, I can get Doctor ——, so celebrated in the Quinzaine d'Anglois, who is as honest an Irishman as ever attended a court with a straw in his shoe, and Mons. ——, my two intimate friends, together with Thornton, and twenty such like, to confirm it by their oaths also. But it will be said, perhaps, he has during a long life of upwards of seventy years, supported a good character, and that his reputation is established and high through Europe. I deny the fact; did not Wedderburne abuse him? But if it were even so, does not that prove what fools they are in Europe to think well of a man who has treated me with contempt? who refused to consult me on the treaties, or to let me have a copy of them after they were finished? and when I called upon him to explain his conduct, and wrote to him again, again, and again, and sent my secretary, John Julius Pringle, to catechise him in person, at last sent me word, 'Have patience, and I will pay thee all;' but I sent him a Roland for his Oliver. I have shown him that he did not understand the text, and desired him to read over the whole chapter.

"However, if after all I have said Congress can not be induced to dismiss him wholly, there can be no objection to his being sent to Vienna; he will do well enough there, notwithstanding what I have said of him, but he is not to be trusted at Versailles, which is the place I have fixed on for myself, and you may tell Congress so.

"I am, dear sir, etc., etc."

This letter is indorsed by Mr. Laurens "No. 1 and No. 2, Traits of the infamous practices of party in Congress."

His course after his return.

§ 179. According to a statement made by the British authorities in New York in September, 1780,* Izard, on his arrival in the United States in July, 1780, "held language that fills the country with jealousies; that the American agents were duped by the cabinet of France, Dr. Franklin superannuated, and all their agents unfaithful and despised except the Lees. * * * He assured Parsons that France neither could nor would give the help requisite to establish the independence of America."

Samuel Parsons, it was said, was so much affected by this conversation that immediately after Mr. Izard was gone he wrote to General Greene, at the camp at New Jersey, beseeching him if possible to check Mr. Izard, from the dangerous tendency of his information upon the the people at large. But like similar statements issuing during the war from British authorities, this is to be taken with great allowance. Izard, however, no doubt continued after his return this expression of animosity to Franklin.†

* 8 Brodhead's N. Y. Col. Docs., 804.

† See *supra*, § 154.

He took early occasion on his return to announce to Richard H. Lee his concurrence in the movement for Franklin's disgrace:

"I am perfectly of *your* opinion, that the political salvation of America depends upon the recalling of Dr. Franklin." (Izard to R. H. Lee, October 15, 1780; 28 South. Lit. Mess., 190.)

It is by this alliance between Izard and the Lees and Adamses that we can understand why it was that the majority of the South Carolina delegation united with Richard Henry Lee and the Massachusetts delegation in maintaining that Franklin would sacrifice the fisheries unless removed.

Izard, as we learn from Luzerne, insisted in Congress that if Franklin was recalled France might be compelled to give to Congress whatever it required.

It should be remembered, as extenuating Izard's bitterness, that not only did he attribute his diplomatic failure to Franklin and to France, but that he was very much tried by the breaking up of his family relations by the war. He was closely connected with the Delancey family in New York, who finally took the tory side. And according to a note to 8 Brodhead's New York Colonial Documents, 174, one of his daughters married Lord William Campbell, youngest son of the fourth Duke of Argyle, and royal governor of South Carolina in 1775.

Of Izard's devotion to American independence after the war set in there can be no question. In 1780, when he returned to the United States, he pledged his entire estate for the raising of funds for the building of ships of war for the Confederacy; and he was largely instrumental in obtaining the services of General Greene in the southern army. He was elected to the Continental Congress in 1781, and on the adoption of the federal Constitution was chosen a Senator from South Carolina. He died in May, 1804.*

* See a memoir by his daughter, with a portion of his correspondence, of which the first volume was published in 1844.

CHAPTER XVII.

LIVINGSTON—MORRIS.

Livingston's political career.

§ 180. Robert R. Livingston was born on November 27, 1746, and after studying law with his kinsman William Livingston began the practice of the profession in New York in partnership with John Jay. Appointed by Governor Tryon to the recordership of New York in 1773, Livingston was in 1775 dismissed from that post in consequence of his revolutionary affiliations. Sent in 1775 to the Continental Congress, he was one of the committee of five which drafted the Declaration of Independence, which, however, he was prevented from signing by the necessity of his attendance at the provincial convention of New York, which body, in part through his exertions, declared, on July 8, its independence as a "State." In 1777 he was appointed chancellor of New York, which office he held until 1801, being a delegate also to the Continental Congress until 1777, and again in 1779 and 1781. His election as secretary of foreign affairs, and his services in that post, will be presently noticed. As chairman of the New York convention to consider the federal Constitution he was largely instrumental in inducing its adoption in New York. Declining the mission to France, offered to him by Washington in 1794, he accepted it in 1801 from Jefferson, his term as chancellor then expiring, and by him, with Monroe, the convention for the purchase of Louisiana was negotiated. His services, after his retirement from his mission in 1805, were employed equally beneficially in the advance of the agricultural interests of New York, and in the introduction, in concert with Fulton, of steam navigation. He died at Clermont, his family seat and the place of his birth, on February 26, 1813.

His attitude as to congressional parties.

§ 181. The conflicts in Congress which preceded Livingston's appointment have been already noticed,* and it has been seen that Livingston took a leading position in that school of revolutionary statesmen which held that the true policy of Congress should be not merely to overthrow the British supremacy, but to establish a stable and at the same time liberal system in its place.† It has also been seen that the policy of what has been called

* *Supra*, §§ 15 *ff.*

† *Supra*, § 4.

the purely "liberative" or "expulsive" school was to keep the direction of the Revolution, both as to domestic and as to foreign affairs, in the hands of Congress, acting through committees under its immediate direction; and that it was maintained by this school of politicians that in matters diplomatic as well as matters financial and matters military, the "militia" impulses of the people should be relied on, without hampering them by subordinating them to artificial and effete rules not suited to a young republic. It has also been seen that in military matters this school was more or less engaged in thwarting Washington;* that in financial matters, in its recklessness in seizing any agency it could get hold of, it had resorted to an unlimited issue of paper money and of drafts on Europe without funds, thereby, in defiance of the counsels of Washington, of Franklin, and of Morris, exposing the credit of the country to ruin; and that, in addition to the aid it obtained from enthusiasts who believed that any means to effect their immediate purpose ought to be seized, and from speculators who were interested in inflating the currency, they were supported by a powerful combination of statesmen who for various reasons were averse to taking from Congress the absolute control of our affairs, domestic and foreign.†

But the critical position of our foreign relations, together with a reaction against the influences above specified, led to a determination, in January, 1781, to establish a department of foreign affairs, under the control of a responsible secretary. It was not, however, until August 10, 1781, that Robert R. Livingston was elected to this post by a vote of six States to three for Arthur Lee. The character of the opposition to him is thus stated in the following letter from Arthur Lee to Samuel Adams, dated Philadelphia, August 13, 1781:

"This choice," that of Livingston as secretary for foreign affairs, "is, I think, a very serious thing for the eastern States, and indeed for them all. For I can assure you that something passed during the negotiation of the treaty which convinced me there are deep designs against the fishery. Dr. Franklin, we all know, is devoted to these designs. Mr. Jay and Chancellor Livingston are both enemies to the eastern States."‡

We see, then, that the opposition to Livingston and the support of Arthur Lee were rested in the canvass, so far as the appeals to New England were concerned, on the supposed opposition of Livingston and Franklin to the fisheries. But this statement was utterly without foundation. The ablest as well as the boldest argument sent during the Revolution from this side of the water to sustain our fishery claims was issued by Livingston. And it was to Franklin's vigorous maintenance of these claims at the peace conferences that their admission by Great Britain was eminently due.§ The appeal to New England, however,

* *Supra*, §§ 11, 146, 153.

† *Supra*, §§ 156, 176, 177.

‡ Bancroft MSS.; see further *supra*, § 146, for a letter of Arthur Lee to Dana attacking Livingston.

§ See *infra*, title Fisheries, Franklin.

made by Arthur Lee, on behalf of the fisheries, unfounded as it was, was joined in by Izard, both basing it on their supposed knowledge of Franklin's opposition to these cherished New England interests; and it was through this, as well as through other influences, that the strong vote against Livingston was secured.

His policy as secretary.

§ 182. Livingston, though a much younger man than Franklin, possessed, in his dispassionateness and his many sidedness, not a few of Franklin's characteristics. From his prior administrative experience as royalist recorder of New York he had at least some acquaintance with practical government in America; his thorough studies as a scholar and jurist gave him a knowledge of administrative politics in other spheres. As secretary of foreign affairs in 1781–1783, he did more than any one in the home government in shaping its foreign policy. But the system he indicated was, as will be seen, not the "militia" system of unsophisticated impulse, but that which the law of nations had at the time sanctioned as the best mode of conducting international affairs. His course as secretary was based on the law of nations as thus understood by him. He at once accepted Franklin's position—that it was unwise, as well as against international usage, for the United States to send ministers to foreign courts without some intimation that they would be received. He saw that from the nature of things the then neutral courts of Europe would not throw away the advantages of their neutrality by entering into an alliance with the United States, which, as a revolutionary republic, they, as absolutists, could have no desire to encourage. He therefore advised the recall of Dana, and he opposed any further efforts being made to send ministers to European courts by whom such missions were not invited. Acting also on the principle that a minister to a foreign court must be a *persona grata*, and aware of Franklin's transcendent gifts as a negotiator, as well as of his great acceptability to France, to Franklin he gave his unwavering support. Of the unrelenting animosity to America of the British Government he, as well as his relative and friend Jay, to whom he was strongly attached, made no question; and no part of his diplomatic work was more labored than that which comprised his efforts to collect materials, based on the cruelties of the war, to show that no settlement which did not admit independence was practicable. The alliance with France he considered sacred, France having performed faithfully her engagements to us, and we being bound to perform faithfully our engagements to her; and for this reason he disapproved of the action of the peace commissioners in negotiating with England without concert with France. Of his policy his very able papers, contained in the following volumes, are the best vindication.*

It may be here added that while adhering to the "constructive" or

* See an analysis of them in index, title Livingston.

merely "expulsive" or "liberative," he belonged to the liberal wing of constructionism. He wanted, it is true, not simply to abolish the British system, but to establish a better system in its place. But the new system he strove for, and which he was instrumental in introducing, was to be a system of liberalism, construing the Constitution of the United States, which he advocated, on all doubtful points in favor of that view which leaves to government only such power as the people can not exercise for themselves.

The following extract from a letter, heretofore unpublished, of February 18, 1782, from Livingston to Harrison, governor of Virginia, illustrates Livingston's adhesion to diplomacy as a system:

"I do myself the honor to transmit your excellency several resolutions of Congress which, having a reference to the department of foreign affairs, are in course to go through this office. The necessity of carrying them into effect is too obvious to need observations. While we hold an intercourse with civilized nations we must conform to laws which humanity has established and which custom has consecrated among them. On this the rights which the United States or their citizens may claim in foreign countries must be founded. The resolution (No. 2) passed Congress in consequence of a convention about to be concluded between his most christian majesty and the United States of America, which affords an additional reason for paying it the earliest attention. Your excellency and the legislature will see the propriety of rendering the laws on these subjects as simple and the execution of them as expeditious as possible, since foreigners, who are the great object of them, are easily disgusted at complex systems which they find a difficulty in understanding, and the honor and peace of a nation are frequently as much wounded by delay as by a denial of justice."

For the above I am indebted to Mr. Dreer, of Philadelphia.

Robert Morris, political career of.

§ 183. Robert Morris, from whom came a series of letters, given in the following volumes, not merely exhibiting the true principles of finance on which alone a solid government could be built up, but presenting to France, as our only reliable European ally, the grounds on which her financial aid could be claimed, was born in England in 1734. Coming to Philadelphia in 1747 he entered as a clerk in the house of Charles Willing, then taking the lead in the foreign commerce of the Colonies. By his business genius, as well as by his activity and fidelity, Morris was, when he came of age, promoted to a partnership in this house; and he soon became remarkable not only for his fertility of expedients and for his integrity, but for his knowledge of the commercial relations of the old world as well as of the new, and for his eminent powers of political as well as financial organization. He opposed the stamp act; and though in so doing he acted greatly against his business interests, he signed the non-importation agreement of 1765. As a delegate to the Continental Congress of 1775–'76, while at first he opposed the Declaration of Independence as premature, he signed that paper when it was agreed on, and from that time onward he gave without stint his time, his money, and his credit to the revolutionary cause. Elected in February, 1781, to the superin-

"remedial" school of politics, as distinguished from that which was tendency of finance,* he entered at once into the work of reducing into system the monetary affairs of the country, which had been thrown into almost desperate confusion by the failure of the States to comply with requisitions on them, by the loss of value of the paper money which Congress had lavishly issued, and by the unwillingness of capitalists at home and abroad to lend money to a government whose finances were so recklessly managed. Of his financial policy a sketch will be given in the next section. To his consummate ability as an administrator a brief tribute has been already paid,† and the bitterness of the congressional opposition to him has been also noticed.‡ Under the impression

* On Feb. 21, 1781, Jones, one of the Virginia delegation, wrote to Washington (Letters of Joseph Jones, by Ford, p. 69): "Yesterday Mr. Morris, without a vote against him (though S. A. [Samuel Adams] and his colleague General W. [Artemas Ward] declined to ballot), was chosen financier."

† *Supra*, § 4. Washington, Franklin, and Hamilton were earnest in their expression of conviction of Morris' supreme qualifications for the post. (1 Bolles' Financial History, 268); and see index, Washington, Franklin, and Morris; 8 Lodge's Hamilton, 86; as to Edward Everett's high opinion of him, see 33 North American Review, 4-3.

‡ *Supra*, § 14. The opposition to him was headed by Samuel Adams and Richard H. Lee, and was due in part to personal antagonism, in part to that dread of a co-ordinate executive which led these eminent men to oppose both Washington and Franklin. Madison's views of the attacks on Morris are thus given:

"My charity, I own, can not invent an excuse for the prepense malice with which the character and services of this gentleman (Robert Morris) are murdered. I am persuaded that he accepted his office from motives which were honorable and patriotic. I have seen no proof of misfeasance. I have heard many charges which were palpably erroneous. I have known others, somewhat suspicious, vanish on examination. Every member in Congress must be sensible of the benefit which has accrued to the public from his administration; no intelligent man out of Congress can be altogether insensible of it. The court of France has testified its satisfaction at his appointment, which I really believe lessened its repugnance to lend us money. These considerations will make me cautious in lending an ear to the suggestions even of the impartial; to those of known and vindictive enemies, very incredulous." (Madison to Randolph, June 4, 1782, 1 Madison Papers, 137.)

From an anonymous letter, intercepted by the British, dated Princeton, Aug. 5, 1783, from "a member of Congress," the movements against Morris, in which the writer was engaged, are described with much vivacity, and it is shown that the same members who were endeavoring get rid of Franklin were endeavoring to get rid of Morris. In the manuscript copy of this letter among Mr. Bancroft's papers it is attributed to Stephen Higginson, of Massachusetts. (Bancroft's MSS., 1783, 2, 331.) This information given in the letter is referred to by Sir Guy Carleton, in whose hands it fell, in a manuscript dispatch to Lord North, of Aug. 29, 1783, in which Morris' proposed resignation is noticed.

Henry Laurens' hostility to Morris, at least in the early part of his public services, is noticed in the life of Morris in Sanderson's Biography of the Signers, 343.

To Washington, in April, 1782, Hamilton thus wrote:

"Morris certainly deserves a great deal from his country. I believe no man in this country but himself could have kept the money machine agoing during the period he has been in office. From everything that appears his administration has been upright as well as able. *The truth is, the old leaven of Deane and Lee is at this day working against Mr. Morris. He happened in that dispute to have been on the side of Deane, and certain men can never forgive him.* A man whom I once esteemed and whom I

that this opposition could not be overcome by him so as to enable him to carry out the policy on which he entered, he announced, on January 24, 1783, his intention to resign.* A reaction, however, taking place in his favor, he was induced to remain until November, 1784. He was a member of the convention which framed the Constitution of the United States and a Senator of the United States from Pennsylvania from 1788 to 1795, declining the position of Secretary of the Treasury, to which he was nominated by Washington. Of princely liberality in the disposal of a large fortune he had acquired, he went towards the close of his life into unsuccessful business ventures. Had he when in office used his high position for personal speculation he would have largely increased his fortune. Had he kept up, concurrently with his official employment, his private business, his matchless sagacity, his great industry, and his high credit would have enabled him to continue as the leading and the most opulent merchant in the land. But when holding public office he retired absolutely from private business; and when he resumed business again, the powers that had adjusted themselves to a field in which the forces of the civilized world were combatants proved, aside from a weakening of his faculties from other causes,† unfitted to take up the threads of the counting-room. The result was utter breaking down and utter insolvency. But this cloud should not be permitted to obscure his splendid services during the war. He had rising before his eyes, even when the battle was fiercest, the "goodly fabric," as Washington called it, of constitutional liberty; and of this fabric one of the chief pillars was that of financial honor. To him also, next to Franklin, is due the maintenance of the French alliance, since it was by his effort that Congress and the State legislatures were induced to take action as to taxation, which enabled the French Government to see that the United States would meet their obligations in good faith. He died in Philadelphia on May 8, 1806, a few months after the death of William Pitt the younger, with whom in some respects he may be compared. Both had great financial abilities, and both dealt with finance in relation to public affairs. Pitt, however, through his surrender against his own judgment to the anti-revolution crusade of high toryism, involved his country in an enormous debt, and, by placing England in the ranks of continental ab-

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rather suppose *duped* than wicked, is the second actor in this business." (8 Lodge's Hamilton, 113. See also 6 Potter's Am. Monthly, 19, 103; 14 Atlantic Monthly, 591.)

In Moore's Materials for History, first series (1861), 70, is given Robert Morris' letter of Dec. 26, 1777, to Henry Laurens, explaining his relations to Thomas Morris down to the latter's death. This letter will be found *infra*, under its proper date, and is well worth study.

In the Sanderson's Biography of the Signers of the Declaration of Independence is given an excellent life of Morris, p. 338 *ff*. In the large body of letters to and from Morris given in the following volumes will be found the most exact information obtainable of his career as the financier of the Revolution.

* See index, title Morris, for correspondence.

† As to Morris' decay of faculties, see 6 Potter's Am. Monthly, 19, 103.

solutism, prevented her from exercising that liberal influence on France which might have averted that imperialism which, when he was dying, he saw supreme. Morris, on the other hand, devoted himself not from enthusiasm but from a sense of justice, to the liberal cause; and so successful were his services, that when death approached him he was able to see the debts by which the nation was crushed when he took office, almost entirely liquidated by the system of finance he had established. Both died insolvent. Pitt's debts were paid by Parliament, and there was erected in Westminster Abbey a monument of him in which his haughty features stand out in marble against the wall from which in sculpture the eagle eye of his great father looks down. It is not creditable to the United States that no monument has been erected to Morris; and it is still less creditable to the State of Pennsylvania that she took no measures to relieve the then greatest of her citizens from an indebtedness for which he for a time had been confined in a debtor's prison.

Services in building up the finances of the United States.

§ 184. Morris, as has already been noticed,* belonged, from his training as well as from his mental structure, to the constructive as distinguished from the merely expulsive or liberative school of our revolutionary statesmen, and to him, with Washington and Franklin, and with Livingston and Jay, is due the honor of gradually evolving, even during the throes of the Revolution, the system of executive and legislative co-ordinancy which afterwards became the basis of the Constitution of the United States. To him also is due the establishment, on sound principles, of a permanent department of finance, which, tremendous as were the difficulties with which it had to contend, kept off the absolute ruin which was impending, and opened the way for a final restoration of credit.

Morris' financial policy may be thus summed up:

(1) Contraction of the volume of government paper, and in this to gradually compel the payment of taxes in specie.

(2) Abandonment of the old system of supplying the army by forwarding specific articles obtained from the States and substituting for it supplies by contract.

(3) The use of his own "splendid credit, which he often stretched to the utmost, but never abused. At one time he requested General Schuyler to furnish the army with flour, agreeing to be personally responsible; at another he obtained funds from the commander of the French fleet to pay the American army upon his individual promise to return the same within a specific period, and many other transactions like these might be related. In no instance did he fail to fulfill his promise, though on several occasions he seemed to be near the brink of failure. At first the people of the Eastern States distrusted Morris' ability to redeem his obligations, which consequently depreciated from

* *Supra*, § 14.

10 to 15 per cent. Ere long they rose in value to par, and were taken without hesitation."* In this way he provided the funds for the campaign which culminated at Yorktown, and a large part of the armament for that campaign, "together with the expense of provisions for and pay of the troops, was accomplished on the personal credit of Robert Morris, who issued his notes to the amount of $1,400,000, which were finally all paid."†

(4) Immense reduction of revenue expenditures; for while the department of state was left with three clerks, there were many hundreds of agents and subagents who had been employed in buying and distributing supplies. "In a single day were brushed off one hundred and forty-six supernumerary officers, who for a long period had been sucking their nourishment from the nation. Expenses were greatly reduced in the quartermaster's, commissaries' of provisions and military stores, in the hospital, and in every department."‡

(5) Reduction of public indebtedness to a specie basis.

(6) Such a presentation, by letters, of the finances of the country as led to increased energy in State taxation, and produced a strong argument on which an appeal for foreign loans could be rested.

(7) The establishment as a war measure of a national bank as a specie-paying institution, made so by the use of his personal credit.

"The sudden restoration of public and private credit which took place on the establishment of the bank was an event as extraordinary in itself as any domestic occurrence during the progress of the Revolution." Morris' credit§ led to the reception in its vaults of specie both in payment of stock subscriptions and as deposits. Within four months after it was opened it was able to loan Congress $400,000. The circulation of the bank, paid in specie and kept at par, was of immense value in increasing the volume of currency and restoring public confidence. The bank, it must be remembered, was designed to be a government fiscal agent, and its operations were limited to this sphere, with the liberty of issuing redeemable paper to the government when making its loans.

The following, from Robert Morris, was printed in the Independent Gazetteer of April 8, 1788:

"*To the printer of the Independent Gazetteer, Philadelphia:*

"RICHMOND, 21*st March*, 1788.

"SIR: From some of your Gazettes which have lately reached me, and particularly from one of the 13th instant, I find that I am charged as a public defaulter to a very considerable amount. This assertion is made to support a charge against the federal Constitution, which those writers say is calculated to screen defaulters from justice. Without pretending to inquire whether the Constitution be, in this respect, misunderstood or misrepresented, I readily agree that if, on fair investigation, that fault shall really appear, an amendment ought to be made.

* 1 Bolles' Financial History, 285. See, for reference, index, title Morris.

† Judge Peters, in 6 Potter's Amer. Monthly, 22.

‡ 1 Bolles' Financial History, 299.

§ Sanderson's Biography of Signers of the Declaration, 351.

"I stand charged in a twofold capacity: First, as a chairman of committees of Congress, and, secondly, as superintendent of the finances. But it so happens that in neither of those capacities did I ever touch one shilling of the public money.

"At an early period of the Revolution I contracted with the committees to import arms, ammunition, and clothing, and was employed to export American produce and make remittances on account of the United States for the purpose of lodging funds in Europe. To effect these objects I received considerable sums of money. The business has been performed, but the accounts are not yet settled. Among the various causes which have hitherto delayed the settlement I shall only mention here that I have not yet been able to obtain the required vouchers for delivery of articles in different parts of America, nor the duplicates of some accounts and other needful papers which were lost at sea during the war. It was my intention to have gone in person to New York, where alone (since the removal of Congress) this business can be finally adjusted; but circumstances unexpected obliged me to come to this country. I therefore employed a gentleman to proceed on the settlement of those accounts, but during the investigation obstacles arose which he was not sufficiently acquainted with the transactions to remove; and as some of the deficient vouchers are to be obtained in this State and South Carolina, he came on hither, and is now in pursuit of them. I have indeed been less solicitous on this subject than otherwise I should have been from the conviction that there is a balance in my favor, so that no charge could justly lie against my reputation. Nor could my interest suffer by the delay, for the date of a certificate to be received for the balance was immaterial.

"As superintendent of the finances I have no accounts to settle. As I never received any of the public money none of it can be in my hands. It was received in and paid from the public treasury on my warrants. The party to whom it was paid was accountable; and the accounts were all in the treasury office, open (during my administration) to the inspection of every American citizen. The only point of responsibility, therefore, in which I can possibly stand is for the propriety of issues to others by my authority. It is true that I caused a statement of the receipts and expenditures to be made and printed, but this was not by any means intended for a settlement with Congress, but to be transmitted by them (if they should think proper) to the several States; for I have ever been of the opinion that the people ought to know how much of their money goes into the public treasury and for what purposes it is issued. Perhaps some persons may remember that, in conformity to this opinion, I caused the receipts (even during the war) to be published (monthly) in the gazettes; and the expenditures, as I have already mentioned, were open to public inspection. This mode of conduct was reprehended by some, and perhaps justly. My fellow-citizens will judge whether it looks like the concealment of a public defaulter. As to the suggestion that the United States in Congress were influenced by me to neglect the duty of calling me to account, I shall not attempt to refute it. Every man who feels for the dignity of America must revolt at such an insult to her representatives.

"Before I conclude I think it necessary to apologize for having written this letter to all who may take the trouble of reading it. A newspaper is certainly an improper place for stating and settling public accounts, especially those which are already before the proper tribunal, but I thought it in some sort a duty to take notice of charges which, if not controverted, might have influenced weak minds to oppose the Constitution. This was at least the ostensible reason for bringing me forward on the present occasion. With what decency or propriety it has been done I leave to the reflection of the authors. Their exultation on my 'losses and crosses' is characteristic. To every pleasure which can arise from the gratification of such passions they are heartily welcome; and the more so as I hope and expect the enjoyment will be of short duration.

"ROBERT MORRIS."*

* For a sketch of the life of Robert Morris by Mrs. C. H. Hart, see 1 Penn. Mag. of History, 333.

C. W. F. Dumas' diplomatic services.

§ 185. Charles William Frederick Dumas, numerous letters from whom will be found in the following pages, was a native of Switzerland, but he passed a large portion of his life in Holland, chiefly employed as a man of letters. He was a person of deep learning, versed in the ancient classics, and skilled in several modern languages, a warm friend of liberty, and an early defender of the American cause. About the year 1770, or a little later, he published an edition of Vattel, with a long preface and notes, which were marked with his liberal sentiments.

When Dr. Franklin was in Holland, on his way to France, a short time before his return to his own country, at the beginning of the Revolution, he became acquainted with M. Dumas. Having thus witnessed his ability, his love of freedom, and his zeal in favor of America, he considered him a suitable person to act as agent in promoting our affairs abroad. Towards the close of the year 1775, when the committee of secret correspondence was formed, of which Dr. Franklin was chairman, it was resolved to employ M. Dumas for executing the purposes of the committee in Holland. A letter of general instructions was accordingly written to him by Dr. Franklin in the name of the committee, and from that time M. Dumas commenced a correspondence with Congress, which continued without interruption during the Revolution, and occasionally to a much later period. He acted at first as a secret agent, and after John Adams went to Holland as minister plenipotentiary from the United States M. Dumas performed the office of secretary and translator to the minister. On the departure of Mr. Adams for Paris, to engage in the negotiations for peace, M. Dumas remained in the character of chargé d'affaires from the United States. In this capacity he exchanged with the Dutch Government the ratification of the treaty which had been previously negotiated by Mr. Adams.

It will be seen by M. Dumas' correspondence that his services were unremitting, assiduous, and important, and performed with a singular devotedness to the interests of the United States, and with a warm and undeviating attachment to the rights and liberties for which they were contending. Congress seems not to have well understood the extent or merits of his labors. He was obliged often to complain of the meager compensation he received, and of the extreme difficulty with which he and his small family contrived to subsist on it. Both Mr. Adams and Dr. Franklin recommended him to Congress as worthy of better returns, but with little effect. This indifference to his worth and his services while living renders it the more just that his memory should be honored with the respect and gratitude of posterity.

M. Dumas was still living in 1794, when Mr. John Quincy Adams went to Holland as minister from this country, but he died soon afterwards at an advanced age.*

* 5 Sparks' Dip. Rev. Corr., 185.

Of Dumas Parton thus writes:

"During one of his visits to Holland he (Franklin) had become acquainted with Professor Charles W. F. Dumas, a native of Switzerland, who had long resided at The Hague, and much frequented the circle of diplomatists who dawdled away existence at that sedate capital. Mr. Dumas, who had made international law his specialty, recalled himself very acceptably to Dr. Franklin in the autumn of 1775, by sending him copies of Vattel, edited and annotated by himself; a most timely gift, which was pounced upon by studious members of Congress, groping their way without the light of precedents. To him Dr. Franklin addressed the first letter authorized by the committee of secret correspondence."*

Dumas, as has been seen, was charged by Arthur Lee with corruption,† and by both Arthur and William Lee his services were constantly undervalued. On the other hand, Franklin had entire confidence in Dumas, as is exhibited in the voluminous correspondence in the following pages.‡ By Jefferson, who, as minister to France after the peace, had full opportunity of becoming acquainted with Dumas' services, those services are spoken of in high terms, and his loyalty as well as his intelligence uniformly commended.§

John Adams, during his residence at The Hague, placed his house under the care of Dumas and his family, and many years afterwards Adams in a letter to Mercy Warren (July 30, 1807), in reply to a statement of Mrs. Warren that "he took lodgings at Amsterdam for several months at the house of Mr. Dumas, a man of some mercantile interest, considerable commercial knowledge, not acquainted with manners or letters, but much attached to the Americans from the general predilection of Dutchmen in favor of republicanism," thus writes:

"Mr. Dumas never lived in Amsterdam. Mr. Dumas never was a merchant. Mr. Dumas never had any mercantile interest. If Mr. Dumas had any commercial knowledge, it was merely theoretical and such as every man of reading and reflection and knowledge of the world possesses. Mr. Dumas was a man of the world, and well acquainted with manners. Mr. Dumas was so much a man of letters, that he was one of the most accomplished classical scholars that I have been acquainted with, and had taken as general a survey of ancient and modern science as most of the professors of the universities of Europe or America. He was indeed much attached to the Americans, but from better motives and more knowledge than 'the general predilection of Dutchmen in favor of republicanism.' Such was Mr. Dumas. He always lived at The Hague, at least from my first knowledge of him till his death at upwards of four score. He had been in England before our Revolution and Dr. Franklin had been in Holland, in both of which countries Dr. Franklin and Mr. Dumas had become acquainted and attached in friendship to each other. * * * Mr. Dumas corresponded also with Congress, and he was allowed three hundred pounds sterling a year for his services."

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* 2 Parton's Franklin, 111.

† *Supra*, § 147.

‡ See index, titles Dumas, Franklin; and 8 Sparks' Franklin, 448, 452, 498.

§ 1 Jefferson's Writings (by Washington) 568; 2 *id.*, 287, 366; 3 *id.*, 331.

CHAPTER XVIII

JONATHAN WILLIAMS—SAMUEL WHARTON.

Jonathan Williams' early history.

§ 186. Jonathan Williams, whose name appears in these volumes as American agent at Nantes, and as Franklin's assistant in some of the most critical periods of our diplomatic career, became eminent in the subsequent history of the country as head of the Engineer Corps of the United States, first superintendent of the West Point Academy, and organizer of the military defenses of New York and Philadelphia before the war of 1812. Of this remarkable man, almost as versatile as his uncle, Franklin, and distinguished for high integrity and great business efficiency, as well as military skill, General Cullum, in his work on the Campaigns of 1812–'15 (pp. 12, 13), gives an elaborate notice, from which the following introductory passages are taken:

"General Jonathan Williams, the first superintendent of the Military Academy, is so identified with its early struggles, and by his noble character so fashioned the future of his pupils, particularly those of his own corps, our American engineers who participated in the war of 1812–'15 against Great Britain, that we must enter somewhat into the details of his biography, though, for reasons which will appear, he took no active part in our second struggle for independence.

"Jonathan Williams was born May 26, 1750, in Boston, Massachusetts. His father, of the same name, was a much-respected merchant, largely engaged in the West India trade; was a staunch whig, and among the foremost patriots who took part in the struggle of the colonists against the mother country; was moderator in 1773 of the memorable meetings at Faneuil Hall to forbid the landing of the tea, subsequently thrown into the harbor; and in 1775 became a fugitive from Boston, then occupied by British troops, who burned his store and seized all his property. His mother, Grace Williams (*née* Harris), a lady of good abilities and cultivated tastes, was the niece of the celebrated Dr. Benjamin Franklin.

"Young Williams received a good English education, but before it was completed he was placed in his father's counting-house, to be brought up as a merchant. He was an intelligent and studious boy, devoting all his leisure to the acquirement of knowledge, thus obtaining a considerable proficiency in the classics, and a ready and familiar acquaintance with the French language without even a master, his father refusing him one because of his dislike to French principles. Williams' letters from the West Indies and many parts of Europe where he traveled display his maturity of judgment, excellent business faculties, and clear conception of men and things.

"He went to England in 1770, taking up his residence with his granduncle, Dr. Franklin, to whom he made himself very useful by putting his accounts in complete order; a labor so highly appreciated by Franklin that he presented to Williams a handsome gold watch, upon receiving which he remarked that he would much prefer

the doctor's old one, which was given to him and is now a family heirloom. Ever after he was a great favorite of his granduncle.

"He returned to Boston in 1771, where he was engaged for three years in mercantile pursuits. Just after the famous Boston 'tea party' of December 16, 1773, he again went to England."

Services as agent in France.

§ 187. When in England, in 1773, Williams took decided ground on the American side, and General Cullom gives an animated letter from him narrating a visit with Franklin to Dartmouth, and a conversation with Dartmouth as to the tea riots, and as to the patriots' meeting at Faneuil Hall, at which Williams' father presided. On the breaking out of the war he left England to join Franklin in Paris, intending to remain there in Franklin's service or to proceed to the United States. Being an admirable accountant, he was placed by Franklin and Deane in charge of prizes and men-of-war belonging to the United States, an office within their gift.* This brought him into close relations with Thomas Morris, whose misconduct as commercial agent at Nantes is elsewhere noticed, and whose career of dissipation, terminated by an early wretched death, brought much misery to his family as well as trouble to his country.† In the spring of 1777 Congress, becoming aware of Thomas Morris' delinquencies, appointed William Lee to act with him as joint commercial agent. William Lee at once insisted on the discharge of Williams, whose business record was excellent, and Izard was one of the agents to enforce this request, using, as he afterwards reported to Congress, very peremptory terms to press his views on Franklin. Deane concurred with Franklin in refusing the application. William Lee then offered to give the commercial agency to Williams on condition of receiving half the profits; but Franklin advised Williams to decline the offer, no doubt thinking it an arrangement neither creditable nor prudent. The appointment was then given to Schweighauser, a German merchant doing business in Nantes, a nephew of the Lee's being appointed clerk; and soon afterwards came a collision between Williams, as naval agent, and Schweighauser as commercial agent, as to the limits of their respective offices. John Adams had scarcely arrived at Paris before, on the faith of Arthur Lee's statements and without hearing the other side, he took to Franklin an order for Williams' dismissal. The order being signed by two of the three commissioners, Franklin had to assent, and acting on his principle of avoidance of unnecessary display of dissension he signed the paper. The charges of Schweighauser for commissions were double those of Williams; Schweighauser's duties as a foreign merchant gave little room for sympathetic efforts for the United States; and, in view of the high integrity and great business ability shown by Williams in other spheres, it became obvious that the

* See Commissioners to Williams, May 1, 1777.

† See Deane to R. Morris, Sept. 23, 1777; R. Morris to Lovell, May 2, 1778.

supplanting him by a foreign merchant at a greatly increased expense was a mistake.

The appointment of Williams as agent at Nantes is stated in a dispatch from the commissioners at Paris to the committee of correspondence, March 4, 1777, *infra;* the circumstances attending his removal are noticed by Franklin in his note to Arthur Lee of April 6, 1778, *infra.** The charges against Williams by Arthur Lee are given by Lee's dispatches to Congress, June 1, 1778; June 9, 1778; September 9, 1778; while his fidelity and capacity are exhibited not only by the papers relative thereto in the Department of State, but by the refusal of Arthur Lee to substantiate his charges when called upon by Franklin to submit them to a committee consisting of the principal American merchants in Nantes.†

In Franklin's note to Ross of April 26, 1778, *infra*, are noticed the difficulties arising from William Lee's course in the agency at Nantes.

The correspondence above noted will be a sufficient vindication of Williams' character, and incidentally of that of Franklin, from Arthur Lee's charges of business mismanagement; and it was well for the country that on William Lee's withdrawal the Nantes naval agency was again intrusted to Williams. Of his great business ability, patriotism, and courage his subsequent history gives abundant proof.

Subsequent career.

§ 188. On Williams' return to America he entered again into business, acquiring much reputation by publications on questions of physical science and of political economy. In 1794 he accompanied Washington in the expedition to subdue the Western Pennsylvania insurrection; and in 1800 he acted provisionally in charge of the department of public supplies organized under the supervision of the Secretary of the Treasury. On February 16, 1801, he was appointed by President John Adams major of artillery, and on December 14, 1801, he was appointed by President Jefferson inspector of fortifications. In this capacity he made an early inspection of the western rivers, and on December 15, 1801, under Jefferson's orders, he undertook the organization of the military school at West Point. On April 1, 1802, he was placed at the head of the corps of engineers, and July 8, 1802, was promoted to be lieutenant-colonel. Resigning in 1803, on a question of conflict of rank, in which it afterwards turned out he was right, he was reappointed to the post of chief engineer on April 17, 1805, when he resumed the command at West Point. When in this position he was selected by the State of New York to design and direct the fortifications of New York harbor. He resigned from the army in July, 1812, and returned to Philadelphia, where he was employed by the State government in the preparation of State defenses.

* See Commissioners at Paris to Williams, May 25, 1778.

† See Franklin to Williams, Feb. 13, 1779; to A. Lee, Mar. 13, 1779; to Blake *et al.*, Mar. 13, 1779; to Williams, Mar. 19 and Apr. 8, 1779, *infra*; cf. *supra*, § 118.

Elected to Congress in November, 1814, he died before his term of service commenced, at the age of sixty-five. In General Cullum's work, already referred to, he is spoken of as the father of the engineer service of the United States, and as the practical organizer of the West Point Academy. It is, however, with his business character, as agent of the United States in France during the Revolution, that we have here to do; and it is sufficient to say that the extraordinary executive capacity, the indefatigable industry, and the loyalty to duty and to the country shown by him in his subsequent career were equally exhibited in his naval agency at Nantes.

Samuel Wharton.

§ 189. Samuel Wharton, whose name occurs in several of the following papers as a correspondent of Thomas Walpole, of Franklin, and of Bancroft, and who was a member of the Continental Congress, was born in Philadelphia in 1732, and became early in life an active merchant in Philadelphia. He was one of the signers of the non-importation resolutions of 1765, a member of the city councils of Philadelphia, of the committee of safety of the Revolution, and of the colonial and State legislatures. He was a prominent member of the Ohio (Walpole) Company, whose plan of forming a settlement on the Ohio river was projected by Sir William Johnson, Governor Franklin, and others. In 1767* Dr. Franklin, then in England, mentions his correspondence with Mr. Wharton on this subject. Lord Hillsborough, in his "report of the lords commissioners for trade and plantations," in which he considered the "humble memorial of the Hon. Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, esquires, in behalf of themselves and their associates,"† strenuously opposed the passing of the bill confirming the grant of land (known as Walpole's grant), in reply to which Dr. Franklin put forth his powers to such purpose that the petition was finally granted June 1, 1772. In consequence, however, of revolutionary troubles the project was not realized.‡

"Mr. Wharton was a partner in the house of Messrs. Baynton, Wharton, and Morgan, one of the most respectable commercial associations in the Colonies. At one time the Indians destroyed upwards of £40,000 worth of their goods (Pennsylvania currency); as indemnification for which depredation the chiefs made over to the firm all the lands which at present compose the State of Indiana. 'Mr. Wharton, being an accomplished gentleman and scholar, was deputed by his partners to pass over to England for the purpose of soliciting a confirmation of this grant, in which he so far succeeded that the day was appointed

* See 4 Franklin's Works, Bigelow's ed., 136, 473; Franklin to Foxcroft, Feb. 4, 1772; 8 Sparks' Franklin, 1. For a discussion of this grant, see Hinsdale's Old Northwest, 133–139.

† 5 Franklin's Works, Bigelow's ed., 1.

‡ See, as to Walpole's agency in this matter, *infra*, § 202.

by the minister for him to attend at court and kiss the king's hand on receiving the grant. Unfortunately, however, in the interim some of his correspondence with Franklin in furtherance of the Revolution was discovered, and instead of the confirmation he expected he was obliged to fly for his life, and was fortunate in reaching the shores of France in safety, where he was joined by his old friend Dr. Franklin.' In 1780 Samuel Wharton returned to Philadelphia, and on February 9, 1781, he took the oath of allegiance to the State of Pennsylvania. He was a member of the Continental Congress from Delaware during the years 1782 and 1783. In 1784 he was appointed a justice of the peace for the district of Southwark, he having a short time before retired to his country seat in that suburb, where he anticipated ending his days in peace and quietness. His will was admitted to probate March 26, 1800."*

"The Ohio affair seems now near a conclusion, and if the present ministry stands a little longer I think it will be completed to our satisfaction. Mr. Wharton has been indefatigable, and I think scarce any one I know would have been equal to the task, so difficult is it to get business forward here in which some party purpose is not to be served." (Franklin to W. Franklin, April 20, 1771. 4 Franklin's Works, Bigelow's ed., 395.)

Franklin's answer (April, 1772) to Hillsborough's report on Walpole's grant is given in 5 Franklin's Works, Bigelow's ed., 20 *ff.* It is a very able exposition of the importance of a distinct colonial organization for the territory northwest of the Ohio.

A copy of Samuel Wharton's pamphlet on the Ohio grant, London, 1775 (privately printed), is in the library of the Pennsylvania Historical Society in Philadelphia.

"I have read Mr. Wharton's pamphlet [now in Pennsylvania Historical Society]. The facts, as far as I know them, are as he states them. Justice is, I think, on the side of those who contracted for the lands. But moral and political rights sometimes differ, and sometimes are both subdued by might." (Franklin to Bache, September 13, 1781. 7 Franklin's Works, Bigelow's ed., 293.)

In a letter to Mr. Coffyn, of January 13, 1781, Franklin says:

"Mr. Wharton was still in France when you wrote to me concerning him, having been unfortunately detained many months at L'Orient by the *Alliance* going off without him and the accidents that befell the *Ariel*. He did not sail until the 18th inst. His brothers at Philadelphia, with whom I suppose he is connected in business, are men of good substance and character." (Franklin's Letter-book, Department of State.)

Joseph Wharton was in Nantes on February 1, 1779, and was one of the proposed referees as to the accounts of Williams. As to suspension of correspondence between Samuel Wharton and Franklin, see Franklin to Ingenhousz, May 16, 1783; 8 Franklin's Works, Bigelow's ed., 290.

Like his cousin, Thomas Wharton, jr., the first revolutionary governor of Pennsylvania, Samuel Wharton took throughout the contest a decided revolutionary position, though the large business interests of which he was the head compelled his remaining in London for the two first years of the war. It was at that time that it was alleged that he availed himself of personal information as to the French-American treaty to speculate in the funds. But it is now clear that information

* 1 Penn. Mag. of History, etc., 456.

of that treaty reached the House of Commons at so early a period after it was signed as to have given no margin for speculation. And when Wharton appeared in 1782 as a delegate in Congress it was in the recognition on all sides of his prior fidelity to the revolutionary cause. He took his seat without protest even from Arthur Lee.

In a letter to Digges of October 7, 1779, Franklin declares that he "never understood that Mr. Wharton received any intelligence from England but what the newspapers afforded." (Franklin's Letter-book, Department of State.)

In the Franklin MSS., deposited in the archives of the American Philosophical Society of Philadelphia (vol. 47), are letters from Samuel Wharton of May 13, 15, 19, 20, 21, 22, and 26, 1778, vindicating himself from Thornton's aspersions as indorsed by Arthur Lee, and asserting that he had in no case since the beginning of the Revolution corresponded with the British Government or any agent thereof.

CHAPTER XIX

JOHN PAUL JONES—SAYRE.

John Paul Jones' public services.

§ 190. John Paul, or John Paul Jones as he subsequently called himself, to whom many papers in the following pages relate, was one of those heroes of genius who, in making diplomacy for themselves, make a great deal for diplomatists to write about. Born on July 6, 1747, in Kirkbean, Scotland, for which nativity, among other reasons, he incurred the special enmity of Arthur Lee, he went to sea when he was not quite thirteen years of age, and on his first voyage visited Virginia, where lived one of his brothers. In 1773 he took up his abode in Virginia, where for the first time he assumed the name of Jones. In 1775, when Congress determined to organize a navy, he was commissioned as first lieutenant, and having in this capacity command of the sloop *Providence*, made several important captures of British merchant vessels. In 1777 he sailed for France in the *Ranger*, and when in France the confidence felt in him by Franklin and Vergennes was such that he received orders, with the requisite supplies, to proceed in that vessel to the British coast, to operate there against the enemy at his own discretion. On this cruise he captured the British man-of-war *Drake*, made one or two successful incursions on land, and seized a number of valuable prizes. On May 9, 1777, he was commissioned to the command of the *Amphitrite*, but on this and other projected cruises he was unable to obtain force enough to make an effective cruise, and it was not until August 13, 1779, that he was ready for another offensive cruise. On that day he started for a cruise on an old Indiaman, which he called, in compliment to Franklin, the *Bon Homme Richard*, and with which he was able to associate the *Alliance* and the *Pallas*, and one smaller vessel, officered by Frenchmen, though under the American flag. Driven by a gale from the waters of Leith, which town he expected to surprise, he encountered a fleet of forty British merchantmen, under convoy of the *Serapis*, of forty-four guns, and the *Scarborough*, rated somewhat lower. Then ensued one of the most extraordinary naval conflicts on record. The merchantmen escaped. After a desperate fight from 7 in the evening till 11, in which half the men on each ship were killed or wounded, the *Serapis* surrendered to the *Bon Homme Richard*, which however was in such a ruined

condition that she shortly afterwards sank, Jones taking possession of the *Serapis*. The *Scarborough* was taken by the *Pallas*, but the *Alliance*, whose commander (Landais) may at the time have been subject to one of his occasional fits of insanity, took no part in the action, except, when it became dark, sailing around the combatants, and in his confusion firing indiscriminately at both. Jones for his gallantry received a gold medal and sword from Louis XVI, and from Congress a unanimous vote of thanks and the appointment to command a ship-of-the-line, then building. But his services in the revolutionary war were now over, as the ship he was appointed to had no opportunity to go to sea. In 1788 he entered temporarily the Russian service as rear-admiral, in which capacity he continued to exhibit his genius for command. He returned to Paris in 1790, and when there he received in 1792 the appointment of commissioner and consul to Algiers. He died however before his commission reached him. His life in France was beset with many storms. With Landais, his chief associate, his relations can only be explained on the ground of his own constant waywardness and of Landais' occasional insanity. His troubles with Landais, with his own officers, with the French authorities and with Arthur Lee, are, together with the incidents of his own splendid naval achievements, his daring, his chivalry, and his generosity, noticed in the following pages.*

"Captain Landais had been censured and deprived of his command in consequence of his misconduct while on the cruise with Jones at the time of the capture of the *Serapis*. When Jones was about to depart in the *Alliance* for America, in June, 1780, Landais went to L'Orient without orders, raised a mutiny among the officers and sailors in consequence of their not having been paid their prize-money, and took command of the ship while Jones was absent. An order was obtained from the French Government to arrest Landais, but he sailed before the order arrived. Arthur Lee was a passenger in the *Alliance*, and advised Landais to resist the authority of Jones, and take command of the vessel. The passengers had reason to regret this rash measure, however, before they reached Boston, to which port they were bound. Landais behaved in so strange a manner, that it was found necessary to deprive him of his command and to put the vessel under the charge of the first lieutenant. In a letter to Robert Morris, dated at L'Orient, June 27, Jones speaks of this affair as follows:

"'What gives me the greatest pain is that, after I had obtained from the government the means of transporting to America under a good protection the arms and clothing I had already mentioned, Mr. Lee should have found means to defeat my intentions. I thank God I am of no party, and have no brothers or relations to serve; but I am convinced that Mr. Lee has acted in this matter merely because I would not become the enemy of the venerable, the wise, and the good Franklin, whose heart, as well as head, does and will always do honor to human nature. I know the great and good in this kingdom better, perhaps, than any other American who has appeared in Europe since the treaty of alliance, and if my testimony could add anything to Franklin's reputation, I could witness the universal veneration and esteem with which his name inspires all ranks, not only at Versailles and all over this kingdom, but also in Spain and Holland. And I can add, from the testimony of the first characters of other nations, that with them envy itself is dumb when the name of Frank-

* See index, title Jones. For Jones' vindication of his course as to the *Alliance*, see Jones to board of admiralty, Mar. 3, 1782, *infra*.

lin is but mentioned.'" (7 Franklin's Works, Bigelow's ed., 108, 109, citing Life of Paul Jones, New York ed., 1833, 261–279.)*

In a letter from Arthur Lee to Sarsfield, of August 26, 1780, Landais is thus spoken of: "that for the unexampled ill behavior of Captain Landais, whose reason appears to have suffered by his misfortune in France, he was at length obliged to abdicate the command and the frigate was brought into port by the first lieutenant."

Effect of his cruises.

§ 191. The life of Paul Jones has been frequently written, and by able writers the incidents of his remarkable career have been discussed.† Perhaps the effect of his cruises cannot be better told than in the words of two eminent English historians:

"The insult to the British coast by the combined fleets of France and Spain was less galling to the national pride than some much smaller transactions in the north. Paul Jones, in his birth a Scotchman, in his feelings a bitter enemy to his native land, in his career and conduct a mere adventurer, but no doubt a bold and hardy seaman, held at this period a commission in the American service. With his squadron of three ships and one armed brigantine, off the coast of Yorkshire, he attacked our Baltic fleet, convoyed by Captain Pearson in the *Serapis*, and Captain Piercy in the *Scarborough*. Both these ships he took after a most desperate engagement; and though his own principal vessel, the *Bon Homme Richard*, which had been supplied by France, was so far damaged in the action that it sank two days afterwards, yet he carried his prizes safe into the ports of Holland. Paul Jones with his remaining ships next appeared in the Frith of Forth. Sir Walter Scott, then still a boy, was at Edinburgh on this occasion, and has vividly described the humiliation felt by the better spirits that the capital of Scotland should be threatened by what seemed to be three trifling sloops or brigs, scarce fit to have sacked a fishing village." But by a "powerful west wind" Jones was swept from the coast. (6 Mahon's History of England, 410.)

"A far more enterprising seaman than those who guided the French and Spanish fleets was, however, at this time hovering around the British coast. Paul Jones, the most daring and successful of American corsairs, was by birth a Scotchman. He had been on sea since his twelfth year, had been engaged for some time in the slave trade, and had settled down in Virginia in 1773. He was the first man to raise the flag of independence on the Delaware, and in 1777 he had a roving commission in a ship called the *Ranger*. In 1778 he made a descent upon Whitehaven, in Scotland, set fire to the shipping, took two forts, spiked thirty pieces of cannon, and plundered the house of Lord Selkirk near Kirkcudbright.‡ In 1779 he was placed at the head of a small squadron which had been fitted up at port L'Orient, and which consisted of three ships, carrying respectively forty, thirty-six, and thirty-two guns, with two smaller vessels. In the beginning of August he was hanging around the coast of Kerry and making frequent descents, and in the following month he appeared near the mouth of the Humber. Soon after he succeeded in intercepting a large fleet of merchantmen from the Baltic which was convoyed by the *Serapis*, a ship of forty-four guns, under Captain Pearson, and the *Countess of Scarborough*, commanded by Captain Piercy, a ship of twenty guns. A desperate fight ensued which lasted for between two and three hours.

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*In 1792 Jones was appointed confidential agent to negotiate a treaty between the United States and Algiers, but no steps appear to have been taken by him in the discharge of this mission, Jones having died before he received his commission. (Schuyler's American Diplomacy, 208.)

†Jones' Life, by Sherbourne, N. Y., 1851; Mackenzie's Life of Jones, 1841; Simms' Life of Jones, 1845; 1 Hale's Franklin in France, chap. 14; and also discussion in 2 Parton's Franklin, 335 *ff.*; Cooper's American Navy, chap. 8 *ff.*

‡He afterwards returned to Lady Selkirk the family silver.

For some time the hostile ships lay so close together that the muzzles of their guns touched. The ships on both sides were almost torn to pieces and much more than half of their crews killed or wounded. At length the English ships of war, being almost sinking, were obliged to surrender, but the merchant fleet they had convoyed escaped safely to shore." (4 Lecky's History of England, 113.)

"American privateers infest our coasts; they keep Scotland in alarms, and even the harbor of Dublin has been newly strengthened with cannon." (Walpole to Mann, July 17, 1777, 6 Cunningham's Walpole, 460.)

"Have you seen in the papers the excellent letter of Paul Jones to Sir Joseph Yorke? Elle nous dit bien des verités! I doubt poor Sir Joseph can not answer them. Dr. Franklin himself, I should think, was the author. It is certainly written by a first-rate pen and not by a common man of war." (Horace Walpole to the Countess of Ossory, October 1, 1782, 8 Cunningham's Walpole, 286.)

Stephen Sayre: his English antecedents.

§ 192. Of the earlier history of this extraordinary personage the late William B. Reed, in his life of Joseph Reed,* thus writes:

"Stephen Sayre was a native of Long Island and graduated at Princeton. In 1766 he was, as appears from letters in my possession, a sort of land agent, and correspondent of Charles Townshend, then chancellor of the exchequer. In 1774, being in England in the intensity of the Wilkes excitement, Sayre and William Lee, two Americans, were elected sheriffs of London.† At this time he was a bustling partisan, active it would seem on the side of the liberties of his native country and in strict communion with the opposition leaders. He appears to have been on terms of friendly association with Lord Chatham.‡ In 1775 Mr. Sayre was committed to the Tower on a charge of high treason, on the absurd allegation of a plan to seize the king on his way to Parliament and to overturn the government by bribing the guards. After a close and severe confinement of five days he was discharged on habeas corpus by Lord Mansfield. In the 20th volume of State Trials, 1286, is a report of the action for false imprisonment brought by Sayre against Lord Rochford. The jury found a verdict for £1,000, subject to the opinion of the court on a point of law, which was subsequently ruled in favor of the defendant and the verdict set aside. (2 W. Blackstone, 1165.) Horace Walpole gives a very grotesque account of this affair in a letter to Sir Horace Mann. (Vol. 2, 340.) The most detailed narrative, however, will be found in the State Trials and Annual Register. General Howe discovered in Mr. Cushing's house in Boston, in 1775, a number of letters from Franklin and Sayre, which were sent to the ministry to show 'the train carried on by these gentlemen to stir up this country into rebellion.'"§

As to Sayre's appearance in the Wilkes arena Dr. William Shippen, of Philadelphia, a brother-in-law of Richard and Arthur Lee, thus wrote to Richard H. Lee on August 14, 1773, as follows:

"Our brother is shining before the livery of London in much applauded speeches in favor of Mr. Sayre as sheriff of London, and by his eloquence gained a great majority of hands in favor of Stephen Sayre and Alderman Plummer. What strange impudent Americans! Do you remember Sayre? He was in Virginia some years ago soliciting tobacco commissions *and did not behave well;* was in partnership with Dr. Bardt & Co." (28 South. Lit. Mess., 184.)

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* Life of Reed, 27, note.

† The post to which William Lee was elected was, as we have seen, that of alderman.

‡ 4 Chatham's Correspondence, 349, 359, 360, 366.

§ 3 Washington's Works, 186.

The character of the Wilkes movement has been already discussed.* It was characteristic of Wilkes that those he used as associates in his campaigns he left to shift for themselves when his own ends had been satisfied. And such was the discredit that fell on them for their participation in agitations the heartless insincerity of which he himself afterwards boastingly disclosed, that in England they were not able to shift for themselves successfully.

His adventures in Berlin, Copenhagen, Stockholm, and St. Petersburg.

§ 193. The next we hear of Sayre is in a letter of June 11, 1777, by Arthur Lee to the committee of foreign affairs, where it is simply stated that "Mr. Sayre accompanies in place of Mr. Carmichael (as secretary), who, after promising, refused to go," and on June 28, 1777, Lee writes to the committee that his private papers had been stolen from him, and had got for a time into the possession of Elliott, the British minister, by which, as afterward appeared, the British Government was informed of the negotiations then on foot between the American commissioners and Vergennes. No one can read the correspondence without being struck with the nonchalance with which this performance was treated by Frederick the Great, a king who was generally quick enough to resent any foreign invasion of his sovereignty, and who was then very much irritated on other grounds against England. Arthur Lee represented a power Frederick had recognized as a belligerent; and Frederick would have had as good ground for serious remonstrance against England as England would have had against the United States if by order of the United States minister in London the papers of the Confederate envoy in London had been stolen from his desk and then the theft avowed.† Arthur Lee had no doubt greatly provoked Frederick by his pertinacious appeals for recognition of the independence of the United States after Frederick had peremptorily refused to hear him; but of in any way assenting to the British "theft" no charge could justly be imputed to him.

In the note above quoted, by William B. Reed, it is said in reference to the "theft" that "there is extant a manuscript narrative on the subject, drawn up many years after by Sayre himself, which, with due allowance for the self-glorification that pervades it, is curious and interesting. It is in the possession of William J. Duane, esq." Of this letter there is a copy in volume 97 of the Sparks Collection at Harvard College.

In this paper Sayre states that Elliott "bribed the servant of the American agents to deliver him their papers. This was done while they were out of the city. He had them in his possession from 1 o'clock to 2 o'clock at night; took copies and extracts, and sent them off to the British minister at Dantzig." Sayre proceeds to speak of himself as a friend of Chatham, of his feats in Denmark and Sweden, and of his operations at St. Petersburg in thwarting British operations in that city.

On November 7, 1777, Sayre presented to Franklin a plan for obtaining ships for America, and announced that he intended to go to America the next spring.

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* *Supra*, § 138.

† *Supra*, § 144; and see particularly note to Lee's letter to commissioners of June 28, 1777, *infra*, where are given the comments of Carlisle and of Wraxall.

On December 25, 1777, according to the Lee Papers,* Sayre, at Copenhagen, addressed the commissioners at Paris as to the disposition of Denmark towards America, and as to his own plans of return to America.

On January 13, 1779, he wrote to Franklin that he had applied for employment in America, and that "I look upon myself as a modern Don Quixote, going about to protect and relieve the virtuous in distress."†

On March 21, 1779, he informed Franklin, from Copenhagen, of his quarrel with Arthur Lee, saying that it "was with infinite difficulty I restrained myself from an open rupture with one of them (Arthur) while at Berlin. I conceive that he did us infinite prejudice there, though he might have done great and essential service. I found myself too weak to support an opposition to him, and too delicately circumstanced even to complain."

In May, 1779, Sayre, according to a letter from Yorke, in the Sparks Collection at Harvard College, was in Amsterdam, but "received nowhere except by Neufville."

Notwithstanding Sayre's announcing to Franklin that he had quarrelled with Arthur Lee, we have a letter from Arthur Lee to Pringle, already given, in which Lee, on August 3, 1779, mentions that he is informed by Sayre that Dumas is at Passy, trying corruptly to influence Franklin to give a loan agency to a French house, though "the house of Grand, in whose hands it is at present, is in partnership with Deane (in which probably the doctor may share)."‡

When at Copenhagen and Stockholm, early in 1779, Sayre volunteered, according to his own account as detailed in the next section, to attend conferences as to the armed neutrality then proposed by Russia; and in these places he presented himself in the guise, as it seems, of a representative from the American Congress, under what pretenses and with what success will be narrated in the next section.

On October 10, 1779, he wrote to Franklin, asking to be appointed captain of the *Alliance* frigate.

The next we hear of him is in a note from Franklin to Dumas of November 8, 1779, stating that Sayre had applied for a commission as privateer, which had been refused, as he could not give the requisite security. In July, 1780, he appeared at St. Petersburg. Of his feats at that place our minister, Dana, who arrived there in the following summer, appears to have had no information; and he has nothing to say about him in his dispatches, which would certainly not have been the case if

* Harvard MSS.

† In a characteristic "intercepted" letter of Sayre's, dated Aug. 25, 1778, he asks his correspondent to obtain for him a privateer agency in Copenhagen, but asks that the Paris commissioners be not consulted; "don't trust that channel, but try every other."

‡ See letter, *supra*, § 147.

Sayre had been known at St. Petersburg as an American envoy. But this deficiency is made up by the extraordinary attention paid to Sayre's proceedings by Harris, then British minister at St. Petersburg. In Harris' published correspondence Sayre is spoken of as "an American agent, spy, and speculator," who accused the English of being the authors of a certain fire by which the Russian fleet was injured; and who, in an attempt to get compensation for a ship he falsely alleged to have been so destroyed, was foiled by Harris.* And in other as yet unpublished dispatches of Harris, Sayre receives the following additional notices:

"No Englishman is known to him. He has called on the French chargé d'affaires, who does not choose to trust him. He visited the Duchess of Kingston, and as she suspected who he was, she advised him to leave the country directly. * * * He is as yet unknown to the public, and as he meets with no encouragement anywhere, I flatter myself he will depart without my giving him consequence by ministerial interposition." (Harris to Stormont, April 24, May 5, 1780.)

"Sayre, after having employed various methods to gain importance and to excite curiosity, seems at last resolved to leave us. He said before one of the persons I had set about him that he was sent on a fool's errand; that he had succeeded in nothing, and was only making himself ridiculous by staying here. It does not appear that he was in any shape accredited by the Congress, or come with any other view than to try the ground. I am told that he is plausible, impudent, and indiscreet, with better parts than judgment, enterprising in forming a bold project, but unequal to its execution. He bears every feature of a rebellious adventurer, but is without those qualities requisite to obtain the confidence even of his own party. I am convinced had he remained here no inconvenience would have attended it; but it is now known that he departs disappointed and dissatisfied." (Same to same, May 1 [12], 1780; see also same to same, May 15 [26], 1780; July 18, 1780. Bancroft MSS.)

One thing in respect to Sayre's St. Petersburg adventures is plain, and that is, that he was there without any authority whatever from Congress, or from any one authorized to act for Congress.

On June 12, 1782, Sayre, being then in Paris, wrote to Franklin, suggesting that it be made a condition of peace that Porto Rico be made a free port, and proposing that he be made governor of Porto Rico.

His subsequent proceedings in the United States.

§ 194. In 1785 Sayre appeared before Congress with a claim for services rendered abroad during the Revolution, and this claim was referred to Jay, then secretary of foreign affairs. On April 7, 1785, Jay reported that so far as such claim was for services at Copenhagen in furthering the treaty of armed neutrality it was without support, but that he was entitled to *reasonable* compensation for his services as secretary to Arthur Lee, and that Dr. Franklin and Mr. Arthur Lee be consulted as to what those services were. In 1794, the claim being renewed, it appeared that Sayre had not applied to Franklin or Lee for a statement as proposed, Franklin having died and Sayre's relations with Lee being unfriendly. Edmund Randolph, to whom, as secretary of state, the claim was then referred,

*1 Malmesbury Correspondence, 283.

reported in favor of allowing a salary to Sayre during the period for which he was in service in Berlin. On December 16, 1794, Sayre had leave to withdraw his petition. The claim, however, came up again in 1800, and on March 4, 1800, Dwight Foster, as chairman of the committee of claims, reported against it *in toto*, holding that Sayre was not a political agent but a private adventurer; that he was not at any time secretary of the Berlin legation; that he could readily have got the proof to sustain his claim from Arthur Lee, as they were in New York together after Jay's report was made, but that he waited until Franklin and Lee were dead, but that Lee had expressed himself against the claim in all its bearings. The claim was then again defeated.

In 1805 it once more made its appearance, and was referred to Madison, as secretary of state, who, in a report of January 31, 1805, after referring to prior reports, and saying that Sayre's claim to an additional allowance from Congress, "being supported only by the kind of proof which he adduces, must necessarily be submitted on its peculiar merits, held that the reasonableness of his claim to remuneration for services of a general nature after he left Berlin, as it is in the nature of an appeal to the liberality of Congress, can be best appreciated by them on a view of all the circumstances he sets forth and the species of evidence he adduces to support them." No favorable action, however, was taken, and in 1807 the claim again was sent to Congress, being limited at this time to "remuneration for the time he was actually employed in the service of the United States at the court of Berlin and the usual allowance for returning home." The house committee of claims, on January 12, 1807, sustained this claim and reported a resolution for its settlement. The resolution passed both houses in this shape.

One of the most remarkable charges in the claim as originally presented was that for compensation for services in attending a congress at Stockholm in 1778, and in using effective influence to induce Russia to undertake the league for armed neutrality. To sustain this, Sayre produced what Dwight Foster, on behalf of the committee of claims of 1800, calls "a small piece of paper which *Mr. Sayre says* was sent by Mr. Franklin *to the Danish ministry*, and couched in the following terms: 'Passy, December 25, 1778. I have considered this proposition, and see no objection to it. I will write to the Congress in favor of it, if desired. The Congress, it is to be presumed, will draw no bills of exchange on me without enabling me to pay them. We have paid all their bills hitherto. I have no doubt of Mr. Sayre's being well received by Congress, agreeable to them, and very proper to be employed in establishing the proposed connection of commerce.'" Now as to this it is to be observed that there was no proof that the handwriting was Franklin's; that the contents and style of the letter were inconsistent both with his style and his own statements before and afterwards; that Congress *did* draw on him frequently without enabling him to pay; that

no trace of the note is to be found among Franklin's papers; that it was never produced till after Franklin's death; and that in December, 1778, no letters appear to have been written by Franklin, it being the period, probably, of one of his attacks of gout. And, in addition to this, we have a letter from Franklin to Sayre, heretofore unpublished, in which, on March 31, 1779,* he informs Sayre that he had no power to give him any employment worth accepting, and then, in answer to Sayre's statement that he had "audiences" with eminent people in Copenhagen, the pertinent question is asked: "I saw in the newspapers that a deputy of Congress was at Stockholm; *did you obtain the audiences you mention on assuming that character?*" It is clear from this that Franklin did not write the memorandum of December 25, 1778, and that Sayre went to Stockholm claiming a position to which he was not entitled. And that Sayre at the time acknowledged this appears from a letter from him to Franklin of April 13, 1779, now among the Franklin Papers in the archives of the American Philosophical Society at Philadelphia.

"Your excellency may easily suppose that after the matters which passed at Berlin were become public I was considered and universally denominated a deputy of Congress, and though I have on some occasions been under necessity of denying it, I was not believed." He then goes on to speak of certain interviews he had with persons in authority as to West India cessions.

"After the peace of 1783 Mr. Sayre returned to America, and resided at Point Breeze, near Bordentown, afterwards the seat of Joseph Bonaparte. In 1795 he was an active opponent of the administration of General Washington, and had a large share in the attacks on Jay's treaty. (1 Gibbs' Wolcott, 247.) Professor George Tucker tells me he remembers seeing him at Richmond, where it was understood he was an agent of Miranda. He died in Virginia about the year 1820. A life of more singular though profitless variety is rarely found." (1 Life of Joseph Reed, 27, note.)

* See *infra* of that date.

CHAPTER XX.

AUSTIN—BANCROFT.

Austin's secret agency for Franklin.

§ 195. Jonathan Loring Austin was born in Boston in January, 1748, was graduated in Harvard College in 1766, and went into business in Portsmouth, New Hampshire, where he remained until the war broke out. He then became first major in a New Hampshire regiment, then aid to General Sullivan, and then secretary to the Massachusetts board of war. He acted as secretary to Franklin, and occasionally as his secret agent in England, until 1779, when he was sent to Philadelphia with dispatches from the commissioners. Massachusetts sent him to Europe in 1780 as an agent to procure a loan, but he was captured by a British cruiser on the way, and though subsequently released, returned in the fall of 1781 without success in this particular mission. He was appointed Fourth of July orator in Boston in 1786; was state treasurer and subsequently secretary of state of Massachusetts, and for several terms state senator. These facts are mentioned to show the high position of a man who, as Franklin's confidential agent in dealing with the English opposition, was involved by Arthur Lee in the charge of stock jobbing. The charge was groundless, Austin being a man of singular probity and loyalty. But the fact of his acting as emissary in such a relation, communicating Franklin's views, as far as was prudent, to the English opposition, shows what the position of the leading members of that opposition was. They believed that the subjugation of America would be followed by the subjugation of England; and in view of the probability of such a result, and of the ruin of free principles which would follow, we can understand why they should welcome any information which would strengthen the position they held.

In 2 Parton's Life and Times of Franklin, 306, we have the following:

I have remarked before that Dr. Franklin habitually made use of his acquaintance with the leaders of the English opposition to convey to England correct information of the state of things in America. The interests of America and the interests of that opposition were identical; a victory in the United States over the king's troops presaged and hastened the decisive victory in the House of Commons over the king's hired majority. During the progress of the late negotiations Dr. Franklin resolved upon sending to England Mr. Austin, for the sole purpose of giving Lord Shelburne, Mr. Fox, Mr. Burke, Lord Rockingham, and the liberal members of Parliament such a complete insight into American affairs as would enable them to demonstrate the impossi-

bility of reducing the States to submission. The strange spectacle was then afforded of the most eminent British statesmen associating with and entertaining in their houses a commissioned emissary of their king's revolted subjects; the king's own son and heir not disdaining his society. The secret was well kept, however, and few persons even at this late day are aware that such an audacious mission was ever undertaken. At the death of Mr. Austin, in 1826, his family gave the public a brief account * of this singular adventure to the following effect:

"As a preparatory measure Dr. Franklin required Mr. Austin to burn in his presence every letter which he had brought from his friends in America; in exchange for which he gave him two letters, which he assured him would open an easy communication to whatever was an object of interest or curiosity. * * * Trusting to his prudence, and enjoining on him the most scrupulous attention to preserve from all but the proper persons the secret of his connection with the commissioners, Dr. Franklin furnished him with the means of a conveyance to England. * * *

"The letters of Dr. Franklin, and the desire that was felt by the leaders of the opposition to see and converse with an intelligent American who possessed the confidence of that distinguished man and was recently from the country of their all-engrossing interest, brought Mr. Austin into personal and familiar intercourse with the master spirits of the age.'

"In reporting the progress of his mission Mr. Austin writes:

"'My time passed with so little of the appearance of business, that if I was not assured it was otherwise I should think myself without useful employment. The mornings I devote to seeing such objects of curiosity or interest as I am advised to, and wholly according to my own inclination. I attend constantly the debates of Parliament, to which I have ready admission, and have been particularly enjoined to attend, that I may not miss any question on our affairs. Dinner, or, as it might be called, supper, which follows, is the time allotted to conversation on the affairs of our country. I am invariably detained to parties of this kind, sometimes consisting of seven or eight, and sometimes of the number of twenty. The company is always composed of members of Parliament, with very few others, and no question which you can conceive is omitted, to all which I give such answers as my knowledge permits. I am sadly puzzled with the various titles which different ranks require. My small knowledge of French prevented this trouble in Paris; but here I frequently find myself at fault, which subjects me to embarrassment that is yet forgiven to a stranger.'

"Mr. Austin was domesticated in the family of the Earl of Shelburne; placed under the particular protection of his chaplain, the celebrated Dr. Priestly; introduced to the present king (George IV), then a lad, in company with Mr. Fox; was present at all the coteries of the opposition, and was called upon to explain and defend the cause and character of his countrymen in the freedom of colloquial discussion before the greatest geniuses of the age, amid the doubts of some, the ridicule of others, the censure of many, and the inquiries of all. * * *

"The object of his visit to England was accomplished to the perfect satisfaction of Dr. Franklin, in whose family he continued for some time after his return to Paris. Being charged with the dispatches of the commissioners to Congress, he left France and arrived at Philadelphia in May, 1779. A very liberal compensation was made him by Congress for his services in Europe, and Mr. Austin returned to his business at Boston." †

Edward Bancroft: His history.

§ 196. We now approach the question whether Edward Bancroft, who will frequently appear in the following pages as Franklin's confidential agent, was at the time of

* Published in the Boston Monthly Magazine for July, 1826.

† As to English intermediaries, see *infra*, § 197.

such agency in British employ. It may be that at some future period we may obtain information which will enable us to answer this question definitely. At present we must content ourselves with marshaling such authorities as bear on the issue, giving merely incidental comments on their weight.

In Leslie Stephen's Dictionary of Biography we have the following:

"Edward Bancroft, M. D, F. R. S. (1744–1821), naturalist and chemist, a man of versatile talents, and friend of Franklin and Priestly, published in 1769 an able tractate in defense of the liberties of the American Colonies. He paid several visits to both North and South America, and published in 1769 a Natural History of Guiana, containing much novel information. In 1770 he published a novel entitled Charles Wentworth. In later life he became principally concerned in dyeing and calico printing, in which he made important discoveries. In 1785 an act of Parliament secured him special rights of importing and using a certain kind of oak bark in calico printing, but in 1799 a bill which had passed the House of Commons for extending his rights for seven years failed to pass the Lords, in consequence of the opposition of many northern calico printers. Bancroft was bitterly disappointed, as he considered he had exercised his rights liberally, and in less than twelve months the bark in question rose to three times the price at which Bancroft had invariably supplied it, and at which by the proposed bill he would have been bound to supply it for seven years more. In 1794 he published the first volume of an extended work on colors and calico printing. It was completed, the first volume being remodeled, in 1813. The work contains a valuable account and discussion of the theory of colors and the methods of fixing them."

It may be added that Bancroft had been for several years before the war one of the editors of the Monthly Review, and had written in that paper a series of strong articles in maintenance of American rights and in vindication of Dr. Franklin's position as to the Hutchinson papers. On the other hand, according to the historian Bancroft, Edward Bancroft "accepted the post of a paid American spy to prepare himself for the more lucrative office of a double spy for the British ministers." It is further said that "Deane called over Bancroft as if he had been a colleague, showed him his letters of credence and his instructions, took him as a companion in his journeys to Versailles, and repeated to him exactly all that passed in the interviews with the minister. Bancroft returned to England, and his narrative for the British ministry is a full record of the first official intercourse between France and the United States. The knowledge thus obtained enabled the British ambassador to embarrass the shipment of supplies by timely remonstrances, for the French cabinet was unwilling to appear openly as the complice of the insurgents." *

The same view is taken by Mr. Bigelow; † by the writer of a note on Bancroft in Appleton's Encyclopedia of Biography; and by Doniol, (vol. 2, p. 102, note,) who however, simply relies on the historian Bancroft: "L'américain (Deane) ne pouvait assez vanter les services qu'il

* 9 Bancroft's United States, (ed. 1866,) 62, 64, 65.

† 6 Franklin's Works, Bigelow's ed., 167, *n.*

croyait devoir à Bancroft. Celui-ci était-il payé cher au foreign office? Nous l'ignorons; en tout cas, il se faisait payer aussi par Deane."

On the question of Bancroft's fidelity to the American cause during the Revolution we may first notice the correspondence between George III and Lord North:

"I can not say that I look upon intelligence from Mr. Wentworth with more degree of certainty than as it is confirmed by others; he is an avowed stock-jobber, and therefore, though I approve of employing him, I never let that go out of my mind. I can not say his dispatch, which I return, contains anything to build upon, but it convinces me that *Bancroft is entirely an American, and that every word he used on that occasion was to deceive;* perhaps they think Mr. Wentworth has been sent from motives of fear, and if that is Franklin's opinion, the whole conduct he has shewn is wise, and to me it unravels what other ways would appear inexplicable." (George III to Lord North, December 31, 1777, 2 Correspondence, etc., 109.)

"By an *intercepted* letter of Bancroft's, received last night, to Mr. Walpole, it seems certain Ternay is not to go to the East Indies." (George III to Lord North, March 23, 1779, 2 Correspondence, etc., 242.)

Mr. Walpole was Thomas Walpole, hereafter to be noticed as an uncompromising liberal statesman, as an attached personal friend both of Franklin and of Bancroft, and as the party to whom Franklin communicated such American political events as he desired to have published in England. A man of high personal honor, he nevertheless was regarded by George III as an "avowed enemy."* It was natural, therefore, that letters to him from Bancroft should be "intercepted" by the British Government, and that when read they should be found to contain information for Walpole's use. But the very tone of George III shows that he regarded this "intercepted" letter as coming *to* an "enemy" *from* an "enemy."†

"I return the papers received from Mr. Wentworth. You look on me, and I believe with some truth, as not very much trusting to any of the accounts that come from Bancroft; he certainly is a stock-jobber, *and is not friendly to England*, and perhaps the *conveyor* (Wentworth) is not less a dabbler in that commodity, and above all wishes to be thought active, and men of his cast are often credulous." (George III to Lord North, January 16, 1778; *id.*, 121).

"The intelligence from Bancroft" (not from Bancroft to us, but gathered from Bancroft) "may not be entirely false, though it is certainly exaggerated, for to intimidate has ever been one of his chief aims." (George III to Lord North, July 14, 1778; *id.*, 204.)

The following is even less ambiguous:

"Lord North must see that all Bancroft's news" (also probably obtained through conversations with Wentworth) "has been for a considerable time calculated to intimidate; therefore no great reliance can be placed on what comes from that quarter. That concerning Prevost is certainly without foundation; the rest may be greatly exaggerated." (George III to Lord North, August 25, 1779; *id.*, 277.)

Was this "news" also "intercepted," or was Bancroft, in telling it in London to the informers of the administration, doing so for the purpose of carrying out Franklin's views?

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* See *infra* § 202.

† See 2 Correspondence George III with Lord North, 242, 338; particularly the whole letter of Oct. 31, 1780.

Still more strong is the language of Stormont, British minister at Paris, who, on December 15, 1777, in a letter to Weymouth, British secretary of state, speaks of Bancroft being in "rebel" employment, and uses language in reference to him which excludes the idea of his being a British emissary.*

The following, from the Diary of Governor Hutchinson, shows that by that well-informed observer, whose mind was at that time bent on watching public opinion in England as to the war, Bancroft was regarded as at best not friendly to the loyalist cause.

"*March* 9, 1777.—At court and the drawing-room. Lord president gave me an account of John the convict's confession (of attempt to fire ships at Portsmouth).† He is a Scotchman, about twenty-five years of age. His name John Aitkin; left Edinburgh about five years ago, and went to Virginia; has listed and deserted two or three times; has been in Europe about two years; confesses eight or nine thefts and robberies; denies that Dean (Deane) gave him a bill for £300, but owns he communicated his design, and that he encouraged it; recommended to Dr. Bancroft in Downing street; gave him twelve six-livre pieces; told him this was eno' to carry him to England, and promised his reward when he had performed his service." (2 Hutchinson's Diary, 141.)

"*March* 16.—At court. * * * Mention made of Bancroft and of its being incumbent on him when John the painter was apprehended to have informed government of John's having been with him. Lord Mansfield said he had seen a vindication of Bancroft in a newspaper, which no doubt by the appearance of it was his own doing, but said nothing in his favor." (2 Hutchinson's Diary, 144.)

It is not disputed that Bancroft was a medium of communication between Franklin and such English liberal statesmen as sustained the American cause; and it is not unlikely that when in London he may have given Wentworth and other agents of the ministry such information as Franklin considered it politic in this way to disseminate. But from what has just been given it is plain that Bancroft was regarded by George III, North, and Stormont as an "American" and a "rebel," and as in no sense a British spy. If it be asked why in such case was he not arrested; why, in other words, was he permitted to make trips across the Channel carrying information to and fro, the answer is that to have arrested Bancroft would have involved the arrest of a large part of the whole whig opposition. Washington himself could not have written letters more decisive in their condemnation of the British war policy and more ardent in the expression of desire for success than were written during the war by Burke, by Shelburne, by Thomas Walpole, by Horace Walpole, and eminently by Richmond and Fox.

As equally strong, see a letter from Grafton to Shelburne of November 14, 1781, in the Lansdowne Collection, copies of which are in the libraries of Mr. Bancroft and of Harvard College.

In 1888 the question was put to Sir Edward Herslet, who has charge of the records of the British foreign office, whether any letters written by Bancroft to that office during the war were there on file. The reply was that no such letters were there entered.

* Bancroft MSS.

† As to this case, see *supra* § 161.

After the peace Bancroft visited America for the purpose of collecting a debt due in South Carolina to the Prince of Luxembourg, taking with him the following letter of introduction from Franklin to Livingston, dated at Passy, June 12, 1783:

"I beg leave to recommend to your civilities the bearer of this, Dr. Bancroft, whom you will find a very intelligent, sensible man, well acquainted with the state of affairs here, and who has heretofore been employed in the services of Congress. I have long known him and esteem him highly. B. F."

On November 26, 1785, after Bancroft had returned from Philadelphia, Franklin closed a letter to him on literary and political matters, as follows:

"As to public affairs, it is long since I gave over all expectations of a commercial treaty between us and Great Britain, and I think we can do as well or better without one than she can. * * * My best wishes and those of my family attend you. We shall be happy to see you here when it suits you to visit us; being with sincere and great esteem, my dear friend, yours most affectionately,

"B. FRANKLIN."*

Bancroft, supposing him when in Franklin's confidence during the war to have been loyal to the United States, occupied, when after the peace he resumed British allegiance, a position analogous to that of Benjamin Vaughan who, assuming him to have been loyal to the British Government when employed by Shelburne in 1780–'82 and when a member of Parliament in 1792, changed his allegiance by becoming in 1796 a citizen of the United States.† When the war was over it was within the province of either to elect whichever allegiance he preferred. Benjamin Vaughan, after some hesitation and delay, elected that of the United States, divesting himself of his prior political obligations, but nevertheless maintaining friendly relations with British subjects with whom he had previously been intimate. Bancroft, whose interests were in England, elected England as his domicil, but without breaking off his intimacy with the American statesmen with whom he had acted during the war. It was with the knowledge of Franklin, and, as we have just seen, with a letter commending him to Livingston, that Bancroft made the visit to the United States which has just been noticed.

Our attention must now be given to certain letters of Bancroft on file in the British foreign office, and written after he arrived in America on the visit just noticed,‡ and which now become relevant in determining the question of Bancroft's fidelity during the war, a question, it must be remembered, involving not merely himself, but the American legation at Paris and the French ministry, who would both be open to the charge of gross negligence should it appear that when he was in their confidential employment during the war he was a British spy. It

* 9 Franklin's Works, Bigelow's ed., 279.

† As to Vaughan, see *infra*, § 198.

‡ These letters are published in the appendix to Mr. George Bancroft's admirable History of the Constitution.

is true that these letters were written after the war closed and after Bancroft had resumed, as he then had a perfect right to do, his allegiance to the British crown. If, however, these letters should establish a continuous confidential diplomatic agency with the British foreign office, they would give a presumption that such an agency had existed during the war, which had not long before closed. In an issue so interesting as this it is proper that these letters should be examined in detail.

The first of them in point of time is dated at Philadelphia, November 8, 1783; the second, at Philadelphia, May 28, 1784; both of these addressed to William Frazer, a friend of Bancroft, then connected with the British foreign office, the address being to Frazer individually, with no official title attached to his name. We have next in date a paper entitled "Additional information from Dr. Bancroft, dated August 26, 1784," which was probably handed in on his return to England; while the fourth is dated at Paris, December 8, 1784, and is addressed to Lord Carmarthen. They are obviously not the letters of a diplomatic agent. That of May 28, 1784, the second in order, for instance, begins, "I did myself the honor of writing to you in November last, since which I have passed several months in South Carolina in endeavoring to obtain payment of considerable sums due from that State to the Prince of Luxembourg." No diplomatic agent, commissioned and paid as such, on an errand so critical as that of reporting on the relations of the United States to the mother country, would permit six months to elapse between his first and his second dispatches; nor would such an agent, on sending his second dispatch, be likely to say that he had been engaged most of this time in attempting to collect a claim for an independent prince. A diplomatic agent sent out either by the United States or by Great Britain would, in an analogous case, long before six months of delay had expired, have been either dismissed or severely reprimanded for his neglect. But so far from such being the case, Bancroft's letter of May 28, 1784, refers to no letters having been received by him from his supposed employers since his letter of November 8, 1783. It is impossible to infer from such circumstances either that Bancroft was at the time acting under official government instructions, or that he considered himself as a diplomatic agent of a government. The correspondence, now open to us, between that government and its diplomatic agents at that era, is so voluminous and thorough, that we can not conceive that in a matter so critical as would have been an agency to inquire as to the political relations of the United States it would have permitted six months to elapse without instructions, or without even a reply to the communication sent by him on November 8, 1783. Yet even as late as August 26, 1784, more than nine months after that letter, there is no reference made by Bancroft to any reprimand or censure such as that with which he would have certainly been visited had he been a government official intrusted by the foreign office with a mission so delicate and so important. Nor, in view of the zealous discharge of

the duties assigned him by Franklin during the war, can we reconcile with a British diplomatic agency his silence for the six months between November 8, 1783, and May 28, 1784, and his engagement during the same period in a business commission for a foreign power. The solution of this difficulty is to be found in the position that Bancroft's visit to America in 1783 was mainly on account of the claim business on which he was engaged in South Carolina during the winter of 1783–'84, and that his letters to Frazer and his communication of August, 1784, were simply friendly communications for the use of Fox, who was minister of foreign affairs when Bancroft left England. Bancroft was an intimate friend of Thomas Walpole, who had been, as we will see, a strong supporter during the war of American rights, and in constant intercourse with Fox. It was natural therefore that Fox should have said to Bancroft, "Tell me when you get to America what you can as to the prospects of federal alliance, or at least as to commercial reciprocity," and that Bancroft should have agreed to do so, though without salary or obligatory official relations which would have put him under instructions or required him to make stated official reports.

This view is sustained by the contents of these letters. The first, that of November 8, 1783, speaks of the alarm produced by the king's proclamation excluding the United States from the free trade they had maintained with the West Indies before the war, and states that Morris and "the most sensible men here" (at Philadelphia) were inclined to retaliate by levying a tonnage duty on British vessels coming to the United States. This measure, however, he declared would fall from the inability of Congress without new powers to enact it; and he next proceeds to dilate on the weakness of the government and the danger of its dissolution in terms by no means darker than those used at the same time by Washington and Morris in letters hereafter given. He dwells, in words singularly like those used by Morris at the same time, on the excessive importation of foreign goods, of which "the British are the only manufactures which have afforded any profit."

The letter of May 28, written after passing "several months in South Carolina" on the Luxembourg agency, begins by noticing that degeneration of Congress which was at that time deplored by Washington, by Jay, by Jefferson, and by Madison, and proceeds to speak of a project for the payment of public debts by the sale of public lands. He next touches on the sending "Mr. Jefferson to join Dr. Franklin and Mr. Adams as commissioners to conclude commercial treaties with different European powers, and particularly with Great Britain;" and then, using language very remarkable if he was writing as a subordinate official to his principal, he proceeds to say that "a commercial treaty with *your* government is really, though not avowedly, the object which determined Congress at this time to adopt this measure." He speaks of a more conciliatory tone in America towards England, and adds that "toward this change of sentiment here I have, as I think, contributed in many

ways." He reverts to the weakness both of federal and of state governments, and then comes this remarkable passage:

"Mr. Jefferson is just now informed, as he tells me, that the great leader of the Virginians, Mr. Patrick Henry, who has been violently opposed to every idea of increasing the powers of Congress, is convinced of his error, and has within these few days pledged himself to Mr. Madison, Mr. Jones, and others to support a plan which they are to prepare and propose to the legislature of Virginia for amending the Confederation by a further concession of powers to Congress."

After noticing the consular negotiations between Congress and the French Government, he closes by saying that, Luzerne having "hired a very fine ship to carry himself and suite to L'Orient, I have accepted the offer he has repeatedly pressed upon me of taking my passage with him."

The "additional information" of August 26, 1784, furnished after Bancroft's arrival in England, and written at a time when he was relieved from any anxiety—if he had any—as to inspection of the mails, breathes the same spirit as the two letters above sketched. He speaks of the inability of Congress to obtain power to prohibit importations, and of a commercial treaty with Spain, as to which he observes that "neither Dr. Franklin nor Mr. Jefferson had any expectation of obtaining it when I left Paris."

He next takes up the suggestion that non-intercourse measures on the part of Great Britain might lead to a reaction in the American commercial States in favor of Great Britain, and says that "if the views of his majesty's ministers (Pitt then being at the head of affairs, the Fox-North ministry having been dismissed in the previous December) extend toward a recovery of the sovereignty of the now United States, or toward a dissolution of their Confederation, or of their present connection with France, these ends will be best promoted by an adherence to the exclusion policy." He then, naturally enough, says that "such events" (*e. g.*, dissolution of the Union and trade with France), could they be certainly produced, would not be very interesting to Great Britain, and that, *after what has happened, none but commercial advantages are to be expected from America. Should this be the case, it may perhaps be well to consider whether some facilities may not be advantageously given to the United States respecting their former intercourse with the West Indies and the sale of their shipping in Great Britain, not only to prevent those essential measures which have been meditated against this country, but for the more reasonable purpose of enabling them to buy and pay for greater quantities of British manufactures than they can otherwise do.*"

The fourth letter, written from Paris on December 8, 1784, to Lord Carmarthen, is on its face a letter not from a political agent, but from an acquaintance, giving such current news as could be picked up in Paris as to the affairs of the United States. It does not pretend to give confidential information, and the only fact of interest which it states,

that of the difficulty of getting a quorum of the recess committee appointed in the prior autumn by Congress, is introduced by the words, "As your lordship has probably heard."

These, with the exception of a trivial memorandum on the French tariff on fish oil, dated September 2, 1786, are the only communications from Bancroft to British officials on record, and these are not only from their structure irreconcilable with the assumption that he made them as a British diplomatic agent, but they are in substance just what we would suppose to have been written by one who, loyal to the American cause during the war, was asked by Fox, when proposing to visit America after the peace, to report as to the attitude of America on the subject of reciprocity with Great Britain. There is no word said as to tampering with the old tory element, as would have been the case had he been an emissary sent to sow disaffection. If the writer tells about the then loss of character of Congress, and the spirit of insubordination rife in the States, this is no more than was said in all the newspapers of the time, and was a matter of public notoriety. He refers indeed on one occasion to information derived from Jefferson, and through him from Madison and Patrick Henry, but this information is of a character calculated to strengthen rather than weaken the United States in the opinion of England. It is true that when Bancroft returned to England and found the Fox-North ministry overthrown and Pitt in power, he suggested the probable effect of non-intercourse in bringing about a reconciliation of the commercial States with the mother country. But this suggestion was only made to be at once dismissed as untenable, and the communication closes with a recommendation of entire reciprocity with the United States as the policy most promotive of the interests of both countries. These are the only communications made by Bancroft to the British Government, and though made after the peace, they contain views whose drift is not materially different from that of the correspondence at the same time of Washington, of Madison, of Morris, and of Hamilton.* It may be that other papers may come to light which may show treachery on the part of Bancroft during the Revolution, but the letters just cited do not supply such proof.

It remains to consider the charge that Bancroft, and back of him it is intimated Franklin, used diplomatic secrets for the purpose of stock gambling in London. Of this charge we have two specifications. The first is that Bancroft's secret intelligence of the capitulation of Burgoyne was thus corruptly used. The story, as coming originally from Arthur Lee, and as repeated by Donne,† is that when the news of this capitulation was brought to Passy by Austin, who came as a special messenger from Boston for this purpose, the commissioners, together with Bancroft, William Lee, and Beaumarchais, were assembled at Passy to

* See *infra*, § 209 *ff.*; and also index, title Washington, Madison, Morris.

† 2 Correspondence George III and Lord North, 94.

hear the dispatches, and that immediately after they were read Bancroft hurried off to London (with Franklin's connivance it is intimated) to sell the news in the best way he could. And this, it is intimated, he succeeded in doing. Now, if it should appear that the news of Burgoyne's capitulation had reached London before Bancroft could possibly have arrived there after the Passy meeting, and that this must have been expected by him, this charge, so far as any corrupt action is concerned, falls. As this question is one which involves the integrity of Bancroft, and in the most charitable view the sagacity and fidelity of Franklin, the following details bearing on it deserve study:

On November 7, 1777, Horace Walpole thus writes to Mann:*

"Of what there is no doubt is, this *check* Burgoyne *has received*, and the distress of his army, that the last accounts left in danger of being starved. There have been accounts of his recovering the blow, but I can not find one person who believes that. In one word, it is a very serious moment; and without greater views, the misery of so many who have relations and friends both in Howe's and Burgoyne's armies is terrible. It is known that the latter had twenty-six officers wounded; and as their names are not come, ten times the number may be suffering the worst anxiety. The distance of the war augments its horrors almost as much as its expense, and makes it grow every day more irksome."

On December 4, to the same correspondent, he says:†

"On Tuesday night [December 2] came news from Carleton at Quebec, which indeed had come from France earlier, announcing the total annihilation (as to America) of Burgoyne's army."

In Hutchinson's Diary (2, 168) we have the following entries:

"*December* 1, 1777.—Almon tells me this morning a vessel is arrived at Nantes from Charlestown; sailed 19th October; advises the total loss of Burgoyne's army and the distressed state of Howe's. I think Almon wishes it may prove true, as do too many out [of] opposition to administration. * * *

"3. Going into the city I met Mr. Watson, who gave me the first account of a ship from Quebec with advice of the surrender of Burgoyne and his army.

"4. The papers this morning all agree in the arrival of the *Warwick* man-of-war, which sailed the 2d of October from Quebec, and that Burgoyne's army laid down their arms after having been some days without provisions. It is said that they are to be sent home; that Fraser is killed, with eight hundred men out of a thousand, with which he attempted to make way through an infinite number of provincials."

Of John Loring Austin, who brought to Franklin official information of the surrender, an interesting memoir is in the Boston Monthly Magazine for July, 1826, a publication now very rare, a copy of which is in the Congressional Library. From this memoir, which evidently came from Austin's family, relying on his own statements, the following passage is taken:

"As soon as the official dispatches of the surrender of General Burgoyne could be prepared Mr. Austin sailed with them from Boston, which port he left on the last day October, 1777. * * * The packet and the young man were both preserved and arrived safe at Nantes *on the last day of November following*. The commissioners had assembled at Dr. Franklin's apartments on the rumor that a special messenger had arrived, and were too impatient to suffer a moment's delay. They received him in

*7 Cunningham's Walpole, 6. †*Id.*, 10.

the court-yard. Before he had time to alight Dr. Franklin addressed him: 'Sir, is Philadelphia taken?' 'Yes, sir.' The old gentleman clasped his hands and returned to the hotel. 'But, sir, I have greater news than that; *General Burgoyne and his whole army are prisoners of war.*' The effect was electrical. The dispatches were scarcely read before they were put under copy. Mr. Austin was himself impressed into the service of transcribing them. Communication was without delay made to the French minister."

Nantes is two hundred and ten miles west-southwest from Paris. As is stated by Stormont, in a letter hereafter given, Austin reached Nantes on Monday, December 1, and even on the most rapid traveling he could not have reached Passy before Wednesday, December 3. As a matter of fact he did not arrive there until Thursday, December 4, as appears from the following entry in Arthur Lee's journal under that date:

"Mr. Austin arrived with dispatches from Congress at Yorktown, in Pennsylvania, whither they had removed on the evacuation of Philadelphia, of which General Howe took possession on the 26th of September. The express left Boston the 30th of October, and brought the account of the surrender of Burgoyne and his army at Saratoga, on the 17th, prisoners of war, after he had been beaten out of his camp intrenchments. And of the battle of Germantown, on the 4th, by General Washington, in which he was by mistake, in a fog, obliged to retreat, after having routed both wings of the enemy. The commissioners sent immediately an express to Versailles, and Mr. Lee wrote to the Spanish ambassador and the Prussian secretary of state, an account of this important news." *

The dates then speak as follows:

October 13, 1777.—Burgoyne calls his commanders of corps in council and a capitulation is unanimously agreed on.

October 17.—Convention of capitulation signed.

October 19.—Vessel sails from Charlestown for Nantes, advising total loss of Burgoyne's army. As the news by this vessel was in London on December 1, according to Hutchinson, she must have arrived at Nantes about November 27.

October 31.—Austin sails from Boston with official dispatches, arriving at Nantes December 1.

November 1.—Walpole writes that Burgoyne is in great distress.

November 24.—Ship *Warwick*, Captain Montroy, which sailed from Quebec on October 28, arrived at Spithead, and in a letter from Portsmouth of November 24 it is stated that "the captain immediately set off express for London, and it is reported that General Burgoyne is taken prisoner with his whole army. No intercourse is permitted with his ship."

November 29.—The London Chronicle states that by a letter which came yesterday by the French mail it was stated "as a certain fact that General Burgoyne had in an engagement with Arnold suffered a severe defeat."

December 1.—Hutchinson is informed by Almon of the total loss of Burgoyne's army; news coming *via* Charlestown.

December 2.—Captain Montroy arrived at the admiralty "with the melancholy advice of General Burgoyne with his whole army being made prisoners of war." †

December 3.—Barré, in the House of Commons, on reference to the news published December 2, inquired of the ministry as to what had become of Burgoyne, and North admitted that very disastrous information had come through Canada, but as yet nothing official. ‡

* 1 Arthur Lee's Life, 357. † London Chronicle, Dec. 2–4, 1777.
‡ 3 Shelburne's Life, 12.

December 3.—Hutchinson hears of arrival of ship from Quebec giving advice of Burgoyne's surrender.

December 4.—Austin arrives at Passy with dispatches, *and finds the commissioners there assembled waiting for him.*

Austin's account of his arrival at Passy, it must be remembered, was not a contemporaneous entry by himself, as were the notes of Walpole and Hutchinson, but was published after his death, many years after the event of which it treats, and was probably derived by memory from his conversations. That he was the first bearer of an *official* report of the capitulation who reached Franklin is the point of his statement. This priority of official announcement is not inconsistent with the arrival some days before at Nantes of a Charlestown vessel bringing the same news unofficially, since it is plain from the Austin statement that the commissioners had such a foreshadowing of the importance of the news to be expected that they were, on Austin's arrival, anxiously awaiting him. As, on December 1, the capitulation was known in London, through France, the informal knowledge of it must have reached Franklin at least by November 30. If Bancroft was meditating stock-jobbing in London on faith of the news he would have set off for London as soon as the news was received. So far from doing so, he waited at Passy not only until Austin's arrival on December 4, but until the dispatches brought by Austin had been copied. Assuming Bancroft to have been the shrewd intriguer and speculator he is assumed to be, he must have known on December 4 that the news which had reached Nantes on November 27 would have reached London before he could arrive there. And such was undoubtedly the case. The capitulation was known in London on December 1, when Bancroft was still at Passy.*

The copies of the home correspondence of the British legation at Paris, deposited among the Sparks Papers at Harvard College, gives us additional information to the same effect. On December 6 Stormont, British minister at Paris, writes to Weymouth, British secretary of state, that he has received information of Burgoyne's surrender, and communicating, among other matter, a copy of a paper of Franklin, "embodying the substance of letters from Congress which left Boston October 31 and reached Nantes December 1." As Arthur Lee's secretary was a British spy, it may be easily conjectured in what way this paper of Franklin reached Stormont.

It is, at first sight, very remarkable that when, on December 8, 1777, the commissioners addressed a memorial to Vergennes, urging recognition from France, they did not say a word in reference to the Saratoga

* The Daily Advertiser of Thursday, December 4, 1777, contains an extract of a letter from Portsmouth, Dec. 2 (Tuesday), announcing Burgoyne's surrender. It therefore took two days for the news which reached Spithead on Tuesday to be disseminated in London. A journey from Paris to London could not have consumed less than four days.

capitulation, which had such a marked bearing on the issue of recognition, while on December 9 Arthur Lee, in a letter to Aranda, inclosing a copy of this memorial and asking recognition from Spain, is equally silent as to the capitulation. The biographer of Arthur Lee (his nephew, who had access to all his memoranda), after giving these two letters, proceeds to say that "a few days after the presenting of the above memorial to the Count Vergennes intelligence of the surrender of Burgoyne reached the commissioners. They immediately laid it before the French court, and Mr. Lee acquainted the Spanish ambassador with the grateful information of that event"* This statement of date is a manifest error, as appears by the extract from Lee's journal above quoted, which is printed in the same volume. And in the same journal are the following entries under date of December 6 and 8, 1877:

"6th. Mons. Gerard, first secretary to Count Vergennes, met the commissioners at Passy. He said he came from the Counts Maurepas and Vergennes to congratulate the commissioners upon the news, to assure them of the great pleasure it gave at Versailles, and to desire on the part of the king any farther particulars they might have. He was informed that extracts were making from all the papers, which should be sent the moment it was furnished; and Mr. L. promised to send extracts from his brother's letters, which contained some further particulars. Mr. Gerard * * * said as there now appeared no doubt of the ability and resolution of the States to maintain their Independency, he could assure them it was wished they would reasume their former proposition of alliance, or any new one they might have, and that it could not be done too soon. * * * Dr. Franklin undertook to draw up a memorial, as Mr. Gerard desired, and Mr. L. was to attend next day to consult upon it. * * *

"8th. Signed the memorial to Count Vergennes desiring an immediate consideration of the treaty that had been proposed, and sent it by young Mr. Franklin, with extracts from various American papers relative to the operations against Burgoyne's army." †

Of the letters announcing the event to the French court and to Schulenberg we have no record; but a letter from Schulenburg to Arthur Lee of December 18, 1777, to be hereafter given, contains the following:

"I learned by the letter you did me the honor to write *on the 4th of this month* that these advantages (Howe's advance) are more than balanced by the surrender of General Burgoyne."

Arthur Lee also, in a letter to Samuel Adams of December 18, 1777,‡ speaks of "the authentic accounts which reached most *parts of Europe about the same time, the beginning of this month, of Burgoyne's surrender*," etc.

It is clear therefore that Austin arrived at Passy and delivered his papers on December 4, and probable that the omission of the commissioners to notice the capitulation in their letter to Vergennes of December 8 is to be explained by their having previously announced it in a

* 1 Arthur Lee's Life, 113. † *Ibid.*, 357, 358. ‡ *Ibid.*, 114.

letter now lost. But, however this may be, it is clear that the news of the surrender did not reach London through Bancroft.*

Bancroft was at Paris on January 22, 1778, and hearing of Arthur Lee's charges as to his communicating the Saratoga news, he then wrote a letter, now among the Sparks MSS. at Harvard, resenting with great spirit this charge and declaring its baselessness; and this was followed up by a letter from him on February 9, 1778. Arthur Lee, in fact, seems to have been convinced of the injustice of the charge, for in a letter to Richard H. Lee of February 5, 1778, now in the University of Virginia collection, he declares that on "further information" received by him he exonerates Bancroft from the charge of disloyal disclosures. Such disclosures were undoubtedly made, but they were made by Arthur Lee's own treacherous secretary, Thornton, who placed, as we will see, in the hands of the British ministry copies of the commissioner's letters to Vergennes of December 8, 1777, and to Congress of December 18 and 19, 1777, † and from whom, probably, Stormont received the information communicated by him in his letter to Weymouth, already noted, of December 6.

The other specification relates to the alleged corrupt disclosures by Bancroft in London of the French-American treaty of February, 1778.‡ As to this it may be remarked as follows: (1) As early as January 30, 1778, when Bancroft was at Passy, Weymouth, British secretary of state, wrote to Grantham, minister at Madrid, that there "is good reason to suspect that a treaty is forming and perhaps concluded between the French court and the Americans in rebellion." §

(2) As early as January 5, 1778, Hutchinson ‖ speaks of the Duke of Manchester having a letter from France announcing a treaty with the United States. And on February 18, 1778, "it is said the French have actually entered into a treaty of commerce with them (the United States) as independent States." ¶

(3) On February 17, according to Horace Walpole, Lord North "was asked (by Fox) 'if he did not know that the treaty between the Americans and France is signed.' He would not answer till Sir George Saville hallooed out: 'An answer, an answer, an answer.' His lordship then rose, could not deny the fact, but said that he did not know it *officially;* that is, I suppose it does not stand on the votes of the Parliament at Paris." **

To this it is added, in a note, that Fox stated, "My cousin, Thomas Walpole, had acquainted me that the treaty with France was signed." As we hear, in the correspondence above quoted of George III, of letters from Bancroft to Thomas Walpole being "intercepted," and in this way

* See 2 Parton's Franklin, 284, where it is said that Austin reached Passy in "a chaise," and that a rumor preceded him of his arrival, so that "the circle of official Americans" had time to get out to Passy to meet him. This precludes the idea of very great precipitancy of travel.

† See *infra,* § 207.

‡ This charge is expressly made by Richard H. Lee in a letter to Arthur Lee. (Lee MSS., 30 South. Lit. Mess. 11.)

§ Sparks MSS., Harvard College; Bancroft MSS.

‖ 2 Diary, 175.

¶ *Id.,* 186.

** Walpole to Mason, Feb. 18, 1778; 7 Cunningham's Walpole, 31.

reaching the king, we have an inkling of the way in which Thomas Walpole was informed of the treaty. If through Bancroft, the information was given under Franklin's advice for communication to the leaders of the whig opposition.

(4) The sole evidence brought to sustain the charge is a statement made April 11, 1778, by "Mr. Livingston," that he had seen a letter from Dr. Bancroft to Mr. Wharton (an American banker in London) "informing him that he might depend upon it he had it from the very best authority that the treaty with the court of France was to be signed on the 5th or 6th of February, and desiring him to make his speculations accordingly, or words to that effect." "Mr. Livingston" appears to have been the captain of an American ship, who had some business relations with Paul Jones, and Jones naturally, in view of the immense stake involved, took upon himself immediately to investigate the charge. He had an interview with Livingston on the subject, and he learned that Livingston's "certificate" was given in Paris, to ward off the suspicions then existing implicating Arthur Lee and Izard in the disclosure. He then made further inquiries, the result of which he gives in a letter to Livingston dated Nantes, March 13, 1779,* in which he states that "Mr. Wharton," to whom Bancroft is said to have communicated the information, "declared he would make oath that he never received any letter or information whatever from Dr. Bancroft on the subject of your certificate [as to such treaty], until after the publication of the treaty between France and America." There is nothing, it is true, inconsistent with this letter in the statement, current at the time, that Bancroft had been losing money by dabbling in the English funds. But this statement rests on no reliable authority; and the charge that he lost money by such investments involves no such dexterity in the use of secret intelligence as would follow from an abuse of his privileges as Franklin's friend.

There are some considerations which are entitled to great weight in determining this vexed issue of Bancroft's fidelity to his American employers. Vergennes had a secret police which, for activity and intelligence as well as for the powers with which they were charged, could not be surpassed. No one knew better than he how enormous was the stake depending on Bancroft's trustworthiness. From Arthur Lee came warning after warning that Bancroft was a British emissary, that he sold diplomatic secrets in the London market.† Vergennes' atten-

* MSS. Cong. Lib.

† That Bancroft did not shirk this issue appears from his letters, already cited, of Jan. 22, and Feb. 9, 1778, to Arthur Lee, in which, in tones of strong resentment, he calls upon Lee to prove the charges so made. (See MSS. Harvard College.) On March 31, 1778, Bancroft, in a letter to Congress (MSS. Department of State), defined his position squarely, saying that the publication by Congress of his connection with the legation had made it perilous for him to go to England, and necessitated his remaining in France. In France he remained during the greater part of the war, an avowed American agent, presenting himself in this attitude to the criticism of France and the hostility of English agents.

tion, under these circumstances, must have been closely given to Bancroft; every step Bancroft took must have been watched, every letter he trusted to the mail examined. Yet, with this opportunity of thoroughly acquainting himself with Bancroft's character and doings, and with the immense importance of the interests involved stimulating him to the most rigid scrutiny, we find Vergennes not only sanctioning, from Deane's arrival in 1775 to 1783, Bancroft's intimate connection with the American legation, but bestowing on him special marks of personal confidence. He sent Bancroft to Ireland on a confidential mission to report on the temper of Irish malcontents.* When Bancroft visited Nantes and reported himself dogged by British detectives, Vergennes ordered to his aid special French detectives. If Bancroft was himself a British spy, he succeeded for eight years in concealing his true character from a police the most sagacious and ubiquitous, and from a minister who had the unlimited use of this police, who was himself a patient and cautious student of character, and who knew how vital it was to his country and to himself that disloyalty such as that imputed to Bancroft should be summarily dealt with.†

Franklin had the benefit of Vergennes' police information, and, in addition to this, Franklin was in the closest intimacy with Bancroft, employing him on the most delicate confidential missions, and in this way opening to him the innermost recesses of the legation. Franklin was a keen observer of character, as well as of diplomatic and political actions; yet Franklin, as we have seen, retained his confidence in Bancroft to the end, and even after Bancroft had decided to elect England, after the peace, as his home, gave him, when visiting the United States, affectionate letters of commendation.

Jefferson, when in the French mission, received, as to Bancroft, the views both of Franklin and Vergennes. And we find Jefferson‡ going out of his way, in a business letter from Paris, to assure Bancroft of his "sincere and great esteem and attachment."

During the peace negotiations in the fall of 1782 Adams and La Fayette frequently met Bancroft at Passy or at dinners diplomatic or semi-diplomatic. Adams not only was by no means disposed to look charitably upon Franklin's particular associates, but knew of Arthur Lee's charges against Bancroft in 1778; yet Adams, when recording in his journal his meeting Bancroft at a dinner at which the terms of peace were discussed, says not a word intimating that Bancroft was undeserving of the confidence thus bestowed on him. Had Adams even suspected this, his straightforward honesty would have at once sounded the alarm. The same may be said also of La Fayette, to whose chivalric temper perfidy was inexpressibly odious, and who not only had many

* See Ridley's Jour., Sparks MSS., Harvard College, vol. 52, No. 1., p. 32.

† Both in 1781 and in 1782 Vergennes in his correspondence expresses his confidence in Bancroft.

‡ March, 2, 1789.

opportunities of meeting Bancroft, but who knew whatever the French court knew as to Bancroft's course in France.

Thomas Walpole, a descendant of the first Lord Walpole and a nephew of the great Sir Robert, was an advanced whig; had as a member of Parliament taken strong American ground; was of a character singularly generous and high toned;* was possessed of wealth so great as to be beyond pecuniary temptation, and had not only been a consistent friend of Bancroft, but was the person, according to Horace Walpole, to whom Franklin communicated important incidents which it was desirable to have made public in England. That through Bancroft this intelligence reached Walpole we may gather from a letter of George III, already quoted. And Walpole, had he conceived Bancroft was playing him false and was all that time a government spy, would have spurned him from his presence.

But in order to believe that Bancroft was such a spy, we have to believe that he was so consummate an artist in treachery as for seven critical years, when he was in the full glare of police observation as well as of shrewd personal inspection, not only to have deceived Vergennes, Franklin, Adams, and Walpole, but to have imposed upon the heads of the very government for which he was working. George III, as we have seen, speaks of him as an American not to be trusted, who wrote "intercepted" letters to Walpole, and whose talk when in London was got up for American purposes in order to mislead England. Stormont calls him a "rebel." And Thornton, who we now know was a British spy, was set to work to try to effect Bancroft's removal from Paris, if not his expulsion from France. It is of course possible that Bancroft was a traitor, employed by secret agents of the British foreign office without the knowledge of the king or of Lord North. But if so it is extraordinary that such employment should have eluded the knowledge not only of Vergennes and Franklin, but of George III and Lord North, whose correspondence shows how closely they inspected whatever they could glean from British spies. And it seems equally extraordinary that one branch of the British Government should seek, as did Thornton's employers, to destroy the usefulness of the most effective of the agents of another branch of that government.

One more element in this difficult case remains to be noticed. Those who read the very interesting collection of the correspondence of John Paul Jones, as on file in the Congressional Library, will be struck with the large share occupied in it by Bancroft. Letters from Bancroft to Jones are comparatively rare, as Jones does not seem to have scrupulously preserved letters he received. But it is otherwise as to letters he sent out, and of these we find in the congressional collection the following, to which attention may properly be called:

Jones to Bancroft, August 14, August 24, September 23, September

* See *infra*, § 202.

30, October 4, October 7, October 15, November 11, December 18, 1778; March 9, 1779; January 16, June 27, July 17, 1780.

These letters cover some the most critical epochs in Jones' eventful career; and in reference to his proposed plans for sudden surprises of British shipping and descent on Scotch towns they disclose the details of his plans, state the armament and supplies he required, and implore Bancroft's agency in obtaining for him such assistance from the French ministry and from Franklin. Jones was at that time the most dangerous enemy Britain had on the high seas. By his stealth, his coolness, his amazing fighting qualities, he had not only inflicted great loss by the prizes he had seized, but he had compelled a large naval force to be retained for home defense and had trebled the current rates of insurance of merchant ships. In addition to the remarkable gifts thus possessed by him as a naval commander he was a singularly good judge of character, though tending sometimes to undue distrust. Had Bancroft been in British pay he could at once have put a stop to Jones' career by disclosing the plans of his next cruise; had Jones suspected him of this perfidy, either by finding that his plans leaked out or by receiving extraneous proof of Bancroft's double dealing, swift and terrible would have been the vengeance that followed; for in such cases Jones did not stay his hand. But so far from this being the case, letters of confidence and affection, of information, of supplication for aid, continue to be addressed to Bancroft with increasing fervency as long as Jones was in American or French service. Many of them are in cipher which defies translation. But from what is decipherable we find them displaying throughout entire trust and strong regard. And, as if summing up his opinion of Bancroft, we find a letter from Jones to Carmichael, dated at L'Orient, August 9, 1780, in which is the following:

"I cannot conclude this letter without expressing my earnest wish to hear of your being on terms of confidential intimacy with Bancroft. You know his great abilities, and I am much mistaken if he has not a great and good heart."

A letter from Bancroft to Jones, dated February 23, 1779 (Cong Lib. MSS.), contains the following:

"F. [Franklin] has written to Mr. Hartley to obtain a protection to my going to and returning from England safely. If it comes, I shall immediately set out and endeavor to do what I can for you."

After some information as to the chances of Jones procuring cannon, the letter goes on to say:

"C. Dist. [D'Estaing] has blundered about in the West Indies so as to permit the British fleet and troops there to take St. Lucia, without having himself done anything, which is most vexatious. The news is hushed up here as yet, but can not long be kept quiet."

He then asks for information as to English prisoners taken by American cruisers, which "will be necessary if I go the journey."

From this we learn that Bancroft, before this proposed trip to England, sought a safe-conduct, *to be obtained through Hartley*, then a leader of what was called the American party in the House of Commons, a party which was said to be more strongly American than were the Americans themselves, and who would have as angrily

resented the imposition on them of a ministerial spy as would Americans themselves. This particular errand was designed for the purpose of relieving Americans imprisoned in England. But, in view of Bancroft's connection with Hartley and Thomas Walpole, it is impossible not to view his errand as having a general political bearing. Nor can we comprehend, when we remember Hartley's character for sincerity and for worth, that he would have taken this means of confidential communication with one whom he had the faintest reason to suspect of being a ministerial spy.

The following extracts illustrate the relations of Jones and Bancroft: *

"I count too much on your affection to suppose even for an instant that you have not felt for my unhappy situation" (from want of means to go to sea.)

"I have seen your † letter to Dr. F. of the 4th instant, and have been since laboring to the utmost to remove the difficulties which appeared likely to retard your departure. I am assured that the 100,000 livres to be divided amongst those who go out with you in the *Alliance* on account of their prize money will certainly be forthcoming at L'Orient and distributed. * * * I hope that you will be able to sail by the end of next week. I write in great haste, as you will perceive, and even can only assure you of my unalterable affection and devotion."

On July 17, 1780, Jones implores Bancroft to aid him in the settlement of the prize-money claims of the men on the *Bon Homme Richard* and the *Alliance*, "or my credit in America will be undone in the opinion of the seamen; and even here what can I expect less than a second revolt. * * * The further the war advances the more I fancy I see the benefit that would result from such services as I have proposed," and he then urges Bancroft's aid to obtain supplies from the French authorities.

While the use of ciphers in this correspondence, of which the key is now lost, shows us its confidential character, it prevents us from knowing the secret instructions as conveyed by Bancroft under which Jones acted.

(5) The most singular paper, however, bearing on this issue is one recently (1888) brought to light by Doniol ‡ in his third volume, published in 1888, where he states that there is now in the French foreign office a paper in Vergennes' hand, indorsed "Extrait d'une lettre de M. Arthur Lee à Md Shelburne, écrite immédiatement après la signature du traité entre la France et les États-Unis de l'Amérique." In this extract Lee informs Shelburne that the treaty is about to be signed, and that England will have to hurry if she would break the alliance between the United States and France. This memorandum not only helps to explain Vergennes' uniform distrust of Arthur Lee, but shows, if the copy be correct, that Arthur Lee personally sent immediate intelligence of the signing of the treaty to England. That copies of the treaty, and of the correspondence relative thereto, were in the hands of Thornton, his secretary, and by the latter probably furnished to Stormont, and that some of this correspondence certainly passed from Thornton to the British archives, is elsewhere noticed. And in this connection it must be remembered that William Lee also comes on the stage as an alleged divulger of the treaty; a charge of this kind being the occasion of a proposed duel to which he was to have been a party. The truth,

* Jones to Bancroft, Jan. 16, 1780. † Bancroft to Jones, April 15, 1780.

‡ Doniol, iii, 169.

however, probably is that there was no divulging of the treaty by anybody in such a way as to make an opportunity for stock-jobbing. After the steps France had taken in receiving the American ministers and granting them aid, a treaty on her part was a necessity.

I have gone with what I fear is much tediousness into the question whether Edward Bancroft was a "double spy," because I felt that if he were so this would involve grave imputations on at least the sagacity and the vigilance of Franklin, of Vergennes, of Paul Jones as well in a minor degree of Jefferson, of La Fayette, of John Adams, of Thomas Walpole, all of whom gave Bancroft their confidence. Sustaining the charge of this double treachery, we undoubtedly have the authority of our great historian, Mr. George Bancroft, who is followed by Doniol in his exhaustive and thorough work, already frequently cited. It may be that documents may hereafter be brought to light which may fasten on Bancroft the perfidy charged against him. But with the information now before us we must make choice between the following hypotheses as to Bancroft's course during the Revolution:

(1) He communicated, under Franklin's direction, such information to reliable English friends as it was considered desirable to have in this way disseminated.

(2) In his visits to London, in the earlier days of the Revolution, he mixed, no doubt, with the American-London colony, and in that colony there was a gossiping group of true men and false. We learn that busy among them was Paul Wentworth, who was undoubtedly under British pay; and Digges, of whom we shall learn more hereafter, was there, black in heart and insidious in tongue. These men, directly or indirectly, may have heard what Bancroft had to say, and have reported it to their British employers. Bancroft, all authorities agree, was a man of kindly temper, and not overcautious in his talk. He was not trained to diplomacy, and he did not pretend to be a diplomatist; if the letters we have from him and the references to him above given are to be relied on, he was ingenuous as well as enthusiastic in his maintenance of the cause in which he was enlisted; much that he said might in this way be caught up and reported to British officials. And these letters from him, as we have already seen was the case with a letter of his to Thomas Walpole, might have been intercepted, and he might in this way have been placed in the position of an involuntary informer.

(3) It is, however, possible that he may have been one of those secret and masked spies employed by subofficials of Britain of whose very names the officials in chief were kept in ignorance, and who in the official reports are designated by ciphers or by fictitious names. This is the only hypothesis imputing guilt to Bancroft which is consistent with the ignorance of George III and of Lord North of the fact that he was under their employ. It may hereafter appear, on the unearthing of the secret-service papers of the British foreign office, that this

was really Bancroft's position. But if it be so, he presents a case of which history affords no parallel. To believe him guilty of such atrocious and yet exquisitely subtle perfidy we must believe that, ingenuous, simple-hearted, and credulous as he appeared to the general observer, occupying to Franklin and to America a position not unlike what Boswell did to Johnson and Corsica, though with certain scientific aptitudes to which Boswell laid no claim and with an apparent occasional heroism of which Boswell was incapable, he was, nevertheless, a dissembler so artful as to defy the scrutiny of Franklin, with whom he was in constant intercourse; an intriguer so skillful as, without money or power, to deceive Vergennes and the multitudinous police with which Vergennes encircled him; a villain so profoundly wary as to win the confidence of Paul Jones, professedly aiding him in desperate secret raids on the British coast, and yet, by an art almost unfathomable, reserving the disclosure of these secrets to British officials until a future day which never came; a double traitor, whose duplicity was so masterly as to be unsuspected by the British court, which held him to be a rebel; and by such men as La Fayette, as John Adams, as Jefferson, who regarded him as a true friend. This amusing combination of apparently absolutely inconsistent characteristics may exist in bewildering harmony in the character of Edward Bancroft; but such a phenomenon should not be believed to exist without strong proof.

CHAPTER XXI.

ENGLISH INTERMEDIARIES.

General characteristics.

§ 197. In considering the class of persons whom we now approach it must be kept in mind that down to the Declaration of Independence allegiance to the British crown was formally acknowledged in America as well as in England. There were those in England, including some of the most eminent of Englishmen, who held that the country to which their patriotism was devoted included America as well as England, and they looked upon a separation with pain on account not only of the war to which it would lead, but of the rupture of country it involved, and of the peril to English liberty it would bring. By multitudes in America the separation was for the same reasons, though with greater intensity, dreaded; for however necessary it might be deemed, they regarded it not merely as tearing asunder a country which they loved as a whole, but as expatriating them from England, which they regarded, with all its faults, as the home from which their language, their literature, their most cherished institutions, their own forefathers, if not themselves, had come. Men of these classes, convinced though they might be that if the British Government persisted in its course separation would come, and differing as they might as to the portion of the country they would adhere to after the separation, would very naturally join in any movement of accommodation which might make separation less imperative or more amicable. Such men might be likened to those who on the eve of the late civil war met for peace conferences at Washington, and who afterwards, when war came, were found some on one side and some on the other of the contest. Yet, while this was the case, there can be no question that the men engaged in these peace conferences were thoroughly and even passionately in earnest in their desire to avert war. The same also may be said of Horace Greeley and others, who, with entire loyalty to their flag, sought to bring about a pacific settlement during the struggle. As influenced by similar motives of humanity may be mentioned several British subjects who during the Revolution endeavored, sometimes it may be with the assent of George III and of North, sometimes on their own motion, to approach Franklin with the object of inducing him to consent to an accommodation short of independence.

Of the position of intermediaries of this class we have the following discriminating notice by an intelligent historian:

"Under the surface the while, and known only to those directly concerned therein, were covert attempts on the part of England to open communication with Franklin by means of personal friends. There had been nothing but the recognition of our independence that England would not have given to prevent the alliance with France; and now there was nothing that she was not ready to do to prevent it from accomplishing its purpose. And it adds wonderfully to our conception of Franklin to think of him as going about with this knowledge, in addition to the knowledge of so much else in his mind—this care, in addition to so many other cares, ever weighing upon his heart. Little did jealous, intriguing Lee know of these things; petulant, waspish Izard still less. A mind less sagacious than Franklin's might have grown suspicious under the influences that were employed to awaken his distrust of Vergennes. And a character less firmly established would have lost its hold upon Vergennes amid the constant efforts that were made to shake his confidence in the gratitude and good faith of America. But Franklin, who believed that timely faith was a part of wisdom, went directly to the French minister with the propositions of the English emissaries, and, frankly telling him all about them and taking counsel of him as to the manner of meeting them, not only stripped them of their power to harm him, but converted the very measures which his enemies had so insidiously and, as they deemed, so skillfully prepared for his ruin, into new sources of strength." (Prof. G. W. Greene, 15 Atlantic Monthly, 586.)

Of the attitude in 1775–'76 of the whig leaders as to conciliation, Lecky thus speaks:

"Several other propositions tending toward conciliation were made in this session. On March 22, 1775, Burke, in one of his greatest speeches, moved a series of resolutions recommending a repeal of the recent acts complained of in America reforming the admiralty court and the position of the judges, and leaving American taxation to the American assemblies, without touching upon any question of abstract right. A few days later Hartley moved a resolution calling upon the government to make requisitions to the colonial assemblies to provide of their own authority for their own defense; and Lord Camden in the House of Lords, and Sir G. Savile in the House of Commons, endeavored to obtain a repeal of the Quebec act. All these attempts however were defeated by enormous majorities. The petition of Congress to the king was referred to Parliament, which refused to receive it, and Franklin, after vain efforts to effect a reconciliation, returned from England to America. The legislature of New York, separating from the other colonies, made a supreme effort to heal the wound by a remonstrance which was presented by Burke on May 15. Though strongly asserting the sole right of the Colonies to tax themselves, and complaining of the many recent acts inconsistent with their freedom, it was drawn up in terms that were studiously moderate and respectful. It disclaimed 'the most distant desire of independence of the parent kingdom.' It acknowledged fully the general superintending power of the English Parliament and its right 'to regulate the trade of the Colonies so as to make it subservient to the interests of the mother country,' and it expressed the readiness of New York to bear its 'full proportion of aids to the crown for the public service,' though it made no allusion to the project of supporting an American army. The government, however, induced the House of Commons to refuse to receive it, on the ground that it denied the complete legislative authority of Parliament in the Colonies as it had been defined by the declaratory act." (3 Lecky's History of England, 422.)*

It must be remembered that a section of the English opposition out-Americanized, in the earlier part of the war, even the most extreme

* See also *supra*, § 31, as to position of English whigs in respect to the Revolution.

Americans. In America the character of George III was prior to the Revolution regarded with that respect which the people of a distant colony would be likely to pay to a monarch with whose crown they had many glorious associations. In England the old whig families, who till his reign had controlled public affairs, regarded him with anger as a *quasi* usurper, and to this was added the political hostility caused by his affection for Bute, based on what was supposed to be his mother's guilty preference and his stupidly arrogant avowals of high tory sentiments in his ordinary talk. The personal hatred felt for him by at least some leading Englishmen of the day will be seen in Junius' letters and in the correspondence of Rockingham, Fox, and Burke. We have therefore in England, in addition to the political opposition to him in which American liberals joined, a personal bitterness to him which was not felt in America. So strong was this feeling, that prominent English liberals did not hesitate publicly to express their delight at America's victories and to decline, when in the army, to join their regiments when on American service.

When the question is asked, why did not the British ministry arrest men of this class when corresponding with the American legation—a question often put by Hutchinson and other refugees in England—the answer, as elsewhere noticed, is, that they could not be arrested without arresting almost the whole whig opposition. Burke and Fox openly proclaimed their correspondence with Franklin; and they united with Chatham in holding every "British and Hessian" victory over America was a victory over English freedom, and in publicly giving every encouragement to the American insurgents.* It may also be observed that visits to Paris of "intermediaries" of this class, pure-minded men, whose object was peace, it was not North's policy to prevent. Whatever the king may have thought, the greatest wish of North was to effect a reconciliation. Amiable, easy, with no talents or desire for war, and gradually growing in the conviction that by war the old condition of the Colonies could not be restored, so far from desiring to stop the friends of peace from visiting Paris or corresponding with Franklin, he no doubt wished them such success in their work as to enable them to bring back such terms of reunion as the king could accept.

Aside from those English "intermediaries" who continued to use their good offices for America during the whole of the war, there was a large class of persons who, both in England and the United States, withdrew as neutrals as soon as actual war began. Precedents for this class there were many in the war between Charles I and Parliament. Thus of Sir John Bankes, chief-justice of the common pleas in those days, Forster † tells us:

"He was a respectable lawyer, of honest intentions and very limited views, who interfered occasionally with good effect to moderate both parties until both became

* See *supra*, §§ 31, 32.

† 1 Historical Essays, 243.

committed to extremes; but when the sword flashed out as arbitrator he turned aside helpless and useless, and, dying while yet the victory neither way inclined, he seems to have died in the persuasion that the disfavor of Heaven must fall heavily on both, and that both would be deserving of overthrow."

Curwen is an illustration of this class among our own American loyalists. He saw the faults of both sides so much that he seemed to wish them both defeat. Camden also, and Grafton, when the war began, withdrew from an active advocacy of the American cause; and such also was the case in a less degree with Burke, though when it was plain that America could not be conquered, he took the lead among the Rockingham whigs in insisting on an acknowledgement of American independence.*

There were not a few also of this class, especially in America, whom the war seemed, as was the case with Falkland during the English civil war, to deprive of interest in life, so that, as Clarendon tells us, "from the entrance into this unnatural war his natural cheerfulness and vivacity grew clouded"; and that only "when there was any overture or hope of peace [he] whould be more erect and vigorous"; so that at last he courted death on the battle-field so as to get rid of battle.

The difference in 1773 between men of this class on the one side and Washington and Franklin on the other side was like the difference, before the English civil war began, between Falkland on the one side and, on the other, Northumberland, Holles, Say and Seale, and Wharton, all liberal leaders, none of whom viewed with other than a sad reluctance the strife which was about to begin, none of whom was eager to exaggerate or precipitate the quarrel.†

Even when the war began Essex wrote: "The great misfortunes that threaten this kingdom none looks upon with a sadder heart than I, for in any particular my conscience assures me I have no ends of my own but what may tend to the public good of the king and the kingdom."

No one now doubts the loyalty of Essex to the king until the king became himself disloyal to England; no one now doubts that he was forced to lift his sword against the royal forces because he believed that if they succeeded England's liberties would be destroyed. His course, and that of those who agreed with him in the same line, exhibit the same distinction as we find in the lives of Washington and Franklin, sincere in their expressions of loyalty to England as long as such loyalty was compatible with liberty, and when it was not, equally sincere and uncompromising in the Revolution.

Nor ought we in such cases to forget how effective mere local allegiance may be in determining action in a case where principle is in abeyance and where there are strong sympathies on both sides. This is thus strikingly put in a letter in 1781 from Burke to Franklin:

"You, my dear sir, who have made such astonishing exertions in the cause which you espouse, and are so deeply read in human nature and human morals, *know better*

* *Supra*, § 31.

† Forster, *ut sup.*, 275.

than anybody that men will, and that sometimes they are bound to take very different views and measures of their duty from local and professional situations, and that we may all have equal merit in extremely different lines of conduct. In this piece of experimental philosophy I run no risk of offending you. I apply not to the ambassador of America, but to Dr. Franklin, the philosopher, the friend and lover of his species." (7 Franklin's Works, Bigelow's ed., 303.)

B. Vaughan.

§ 198. Benjamin Vaughan, the fourth "son of Samuel Vaughan, a London merchant, trading with America, by the daughter of a Boston (United States) merchant, was born in Jamaica in 1751, and was educated at Cambridge, but, being a Unitarian, could not graduate. Private secretary to Lord Shelburne, he fell in love with Miss Manning, but her father withheld his consent to the marriage on the ground that Vaughan had no profession. Thereupon Vaughan went and studied medicine at Edinburgh, married on his return, and became partner with Manning & Son, merchants, in Billiter Square. He acted in confidential peace negotiations with America; edited a London edition of Franklin's works and wrote a pamphlet on international trade, which was translated into French in 1789. He was returned for Calne at a by-election in February, 1792, Lord Shelburne having evidently effected a vacancy for him."*

Benjamin Vaughan, being an enthusiastic liberal, became, or thought he became, implicated in a correspondence with leading French revolutionists, and in 1795, fearing arrest in England, fled to France and afterwards to Geneva. In France his ultra-democratic principles made him, after Robespierre's fall, an unwelcome guest, and he ultimately came to America, taking up his abode in Hallowell, Maine, where in his declining years his amiable philanthropy won for him much regard, and where he founded a family of great respectability.†

At the time, however, of his employment by Jay, while his philanthropy and honesty were unquestioned, his political allegiance was to England and his personal allegiance to Lord Shelburne.‡

At Hallowell, Maine, where he settled, "he resided till his death. His mansion, the 'White House' on the hill, was the abode of hospitality. It was furnished in a costly style, but simple. He had a fine library, supposed to contain 10,000 volumes, and made large donations of books to Harvard University and Bowdoin College. * * * Every man, woman, and child looked up to him. He was the magnate of the place. In religion, education, love of reading, etc., he gave a healthy tone to society. He died at the age of 85." (1 Life, etc., of Manasseh Cutler, 266, where a visit to John Vaughan in July, 1787, is narrated with much vivacity.)

What we have most concern with in the life of Benjamin Vaughan is the secret mission he undertook, on Jay's behalf, to Shelburne, during the pendency of the peace negotiations in Paris in 1782. Jay, as we have already seen, suspected Rayneval, who had shortly before gone from Vergennes to Shelburne on a confidential mission from Vergennes, of intriguing against America's interests; and this suspicion was zealously fanned by the English envoys in Paris, from one of whom he re-

* 166, Edinburgh Review, 456. † *Ibid.* ‡ See *supra*, § 158.

ceived the alleged Marbois letter, whose authenticity is elsewhere discussed.* Jay, without consulting Franklin, thought it desirable to send over to Shelburne a secret agent to represent the American cause; and as agent he selected Benjamin Vaughan, then in Paris as Shelburne's own confidential agent. Jay was ignorant of this relation of Vaughan to Shelburne, which, however, appears from the following:

"I have read the two letters Lord Shelburne received yesterday from France, and shall fairly owne that by what I have seen from the correspondence of Mr. Vaughan I have but little opinion of his talents, yet it confirms my opinion that Dr. Franklin only plays with us and has no intentions fairly to treat, which the negotiations with Spain at that time too strongly shows. Mr. Oswald seems very sensible, and the present letter before me indicates no inclination to indiscretion." (George III to Shelburne, August 12, 1782, Bancroft MSS.)

On July 14, 1783, Adams, in a note to Livingston, speaks of Benjamin Vaughan as "a confidential friend of my Lord Shelburne." (8 J. Adams' Works, 99.)

Vaughan's mission, however, was abortive, not only because when he got there it was found Rayneval was doing nothing for Vaughan to counteract, but because George III, who regarded Franklin as up to every possible deceit, refused to believe that Vaughan came from Jay alone, and maintained that the mission was got up by Jay to mask one of Franklin's tricks. We gather this from the following:

"The dispatches from Mr. Oswald which Mr. Townshend has sent me fully show that all Dr. Franklin's hints were only to amuse; for now he *through the channel of Mr. Jay*, allows that independence can not be admitted as sufficient reason for France to make peace, that the Dutch and Spaniards must also be satisfied before America can conclude, that America dislikes Great Britain and loves France; yet that in this strange view we must decidedly grant independence and retire all troops prior to any treaty, consequently give everything without any return," etc. (George III to Shelburne, August 21, 1782, Bancroft MSS.)

Vaughan continued during the negotiations in British employment. Thus we have the following:

"The letter of Mr. Vaughan shows that France is sincere." (Same to same, November 22, 1782.)

When, however, the provisional articles were signed the following note was sent:

"As to Mr. Vaughan, he seems so willing to be active and so void of judgment, that it is fortunate that he has had no business, and the sooner he returns to his family the better; indeed the fewer engines are employed the better, and those of the discreetest kind." (George III to Shelburne, December 22, 1782.)

In a letter from Benjamin Vaughan, inclosed in a note from John Vaughan to Sparks, of May 6, 1836 (Sparks' Collection, Harvard College, vol. 52, (1) 306), it is said: "Mr. Jay gave to me two businesses, one to a new commission for Mr. Oswald, which I obtained in an instant, and the other to counteract Mr. de R., which I found utterly needless, and did not bring on the carpet." To this Sparks appends the following: "I have seen the original instructions from Count Vergennes and all the correspondence between them while Rayneval was in England, and can say that all the suspicions contained in the foregoing remarks (as to Rayneval's interfering against the United States) are utterly groundless." But Benjamin Vaughan's letter,

* See *supra*, §§ 30, 158. Index, title Marbois.

when carefully read, expresses no "suspicion" of Rayneval, but states simply that for him (Vaughan) to interfere as against Rayneval was "needless."

"Jay had too high ideas of Vaughan's position with Shelburne." (2 Hale's Franklin in France, 145, citing 5 Bancroft, rev. ed, 567.)

"It is a matter of fact that Shelburne had not [implicit confidence in Vaughan], nor had Franklin, nor anybody else concerned in the matter except Mr. Jay. If, therefore, we could satisfactorily account for Shelburne's proceedings without reference to Vaughan, we should desire to do so. We incline to think that he would have sent the commission without the intervention of Vaughan, for Vaughan told him nothing new, except that Jay was well disposed to the English and jealous of France. * * * He [Shelburne] knew that the commission was necessary, for he had been assured of it in the most emphatic manner by Oswald, in whose judgment he had the utmost confidence. It is most probable that he had determined to grant it before Vaughan appeared. * * * It is hard, after carefully reading all the letters, to escape the conclusion that Mr. Vaughan was a well-meaning man of very great vanity, and that he unreasonably imagined himself to be a person of the greatest influence and importance. Franklin and Shelburne were each anxious to assure the other that they had no confidence in him." (2 Hale, *ut supra*, 147).

That Franklin knew that Vaughan was Shelburne's agent appears from 3 Shelburne's Life, 243, 257, 267; and had Jay consulted Franklin, he would have been advised of Vaughan's position.

As to the friendly relations between Franklin and Vaughan, see Franklin to Vaughan, November 9, 1779; March 5, 1785.

In the last-cited letter Franklin says:

"The accounts in your papers, fabricated to give an unfavorable idea of America, such as speak of the confusions of our government, the tyranny of Congress, the oppression and distress of strangers among us, etc., these may be thought necessary bugbears to keep your people from emigrating and make them more content with their burdens at home. They may keep fools from us, whom we do not want. But when I wish a perfect reconciliation between the two countries, I can not but regret the imprudence of those members of your Parliament who are continually discovering in their public speeches the rancorous malice they still bear us. What can, for instance, Lord St. ——— mean by repeatedly abusing the Congress as having broken their faith. I do not know a single instance; and I am silent as to the breaches of English faith. I hope they will soon be repaired.

"Adieu, my dear friend, and believe me ever, yours, most affectionately,

"B. FRANKLIN."

Samuel Vaughan, the father of John, Samuel, Charles, and Benjamin Vaughan, was residing in Philadelphia in 1787 with his son John Vaughan, and in July, 1787, John Vaughan, the father being temporarily absent, was visited by Manasseh Cutler, then making a tour in the interest of some western land operations. "I had letters," says Cutler,* "to the old gentleman, but very unfortunately for me he was gone on a journey into the Ohio country. The young gentleman (John), however, received me with every expression of warmest friendship, urged me to take lodgings with him, and dismissed all business to devote himself to me. * * * He is not married, and, since his mother and sisters went to London in the spring with his brother Samuel, he and his father keep bachelors' hall in a very elegant home in Fore [Front] street. He is in a very large circle of trade, in partnership with another young gentleman." They paid a visit, during which "Mr. Vaughan took a large share in the conversation, and with his easy and natural pleasantry kept us in a burst of laughter." John Vaughan, it is added in a note, was for sixty-five years secretary of the American

* 1 Cutler's Life, etc., 266.

Philosophical Society, in whose hall his picture now hangs. There are those still living (1888) who remember the gracious hospitality he for many years dispensed.

In the following correspondence John Vaughan appears as having sought to take an oath of allegiance to the United States, before Jay, in May, 1781, and as going to America in January, 1782, with letters from Franklin to Bache.

Hartley.

§ 199. With David Hartley Franklin had been for years on intimate terms, Hartley being somewhat of a philosopher, a political economist of the school of Adam Smith, and a member of Parliament. Whether Hartley's approaches to Franklin were on his own responsibility, as a lover of peace and as a personal friend, or whether he was prompted to intervene by the British Government, is not now clear. However this may be, he constantly wrote to Franklin on the subject of conciliation, and Franklin as constantly replied, lamenting war on general principles, but saying that to the United States war, and even perpetual war, is better than submission, and that however variant American traditions may have been from French, if England declared war on France on America's account France would not be deserted by America.*

On one occasion only did any language which looks like an authoritative attempt at influence escape from Hartley, and this was on April 23, 1778, when he wrote as follows:

"If tempestuous times should come, take care of your own safety; events are uncertain, and men may be capricious."

To this Franklin gave the following answer:

"I thank you for your kind caution, but having nearly finished a long life, I set but little value on what remains of it. Like a draper when one chaffers with him for a remnant, I am ready to say, 'as it is only the fag end, I will not differ with you about it; take it for what you please.' Perhaps the best use such an old fellow can be put to is to make a martyr of him."

Hartley's commission, by Fox, on May 19, 1783, as negotiator to sign the definitive treaty, was as much a tribute to his personal worth as it was a recognition of the fact that his principal claim to the distinction was his long friendship with Franklin.

Oswald.

§ 200. The character of Richard Oswald, who was Shelburne's representative in the peace negotiations of 1782, has been discussed in another work.† He was by birth a Scotchman, and by marriage and purchase had acquired considerable estates in America. A disciple of Adam Smith, he had won the esteem of Shelburne; a correspondent and friend of Franklin, he was selected by Shelburne to negotiate with Franklin as to the peace. His letters to Franklin on the subject are hereafter given.‡

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* See Franklin's letters to Hartley, *infra*, Oct. 3, 1775; Oct. 14, 1777; Feb. 12, 1778; Apr. 23, 1778; Feb. 3, 1779; May 4, 1779; Feb. 4, 1780; June 30, 1781; Oct. 15, 1781; Jan. 15, 24, 1782; Feb. 16, 1782; Mar. 31, 1782; May 13, 1782; July 10, 1782; Mar. 13, 1783; May 8, 1783.

† 3 Int. Law. Dig., 2d ed., pp. 901–908.

‡ Index, title Oswald.

Hutton.

§ 201. James Hutton, a Moravian clergyman, who from his interest in Moravian missions in Pennsylvania had made Franklin's acquaintance in London and whom Franklin greatly esteemed,* was sought out by Lord North as a proper person to visit Paris and sound Franklin as to his terms; and this office Hutton willingly undertook. But Franklin was not to be moved from the position he had assumed both as to independence and as to the French alliance. Anxious not to be misquoted, he addressed to Hutton two remarkable letters, to be given hereafter, under date of February 1, 1778, and of March 24, in the same year, in which he declared, as he did to Pulteney, that peace could only be based on propositions made by England acknowledging independence, and that if England declared war on France, then there could be no peace without France. In a letter to Hartley of February 12, 1778, Franklin incloses his replies to Hutton, whom he calls "an old friend of mine, a chief of the Moravians, who is often at the queen's palace and is sometimes spoken to by the king."

Of this Parisian trip of Hutton Horace Walpole thus speaks:

"Who can believe what I have read in the papers to-day?—that one Hutton, a Moravian, has been dispatched to Paris to fling himself at Dr. Franklin's feet and sue for forgiveness? It is said that the man fell on the doctor's neck with tears and implored peace. What triumph on one side! What humiliation on the other!" (Horace Walpole to Mason, February 18, 1778, 7 Cunningham's Walpole, 32.)

Thomas Walpole.

§ 202. Thomas Walpole was a grandson of Horatio, the first Lord Walpole, and was therefore a grandnephew of Sir Robert Walpole, Earl of Oxford, and a cousin of Horace Walpole, who frequently mentions him in his letters. Thomas Walpole was a banker of great wealth and enterprise, and had been with Franklin and Samuel Wharton, one of the principal grantees in what was called the Walpole grant, by which a part of the territory west of the Alleghany mountains had been placed in the hands of the grantees for colonization.†

The grant was opposed by Lord Hillsborough, then having charge of colonial affairs in the cabinet, but was so completely vindicated by Franklin, that Hillsborough was forced to resign. The Revolution, however, led to the abandonment of the grant. Thomas Walpole was for a number of years in Parliament, and was a devoted friend of America, doing all in his power to prevent the war, and, when it began, to induce its abandonment and the acknowledgment of American independence. His intimacy with Franklin continued during this period unabated, and, besides visiting Franklin in Paris, he received constant communications from him through Austin and Bancroft.‡

* See index, title Franklin.

† See *supra*, § 189; Hinsdale's Old Northwest, 133-134-139.

‡ The impunity attached to intermediaries of this class has been already noticed *supra*, § 197.

In a letter of Thomas Walpole to Franklin of February 1, 1777, he thus states his position at that date:

"These considerations (want of information as to America) are of small importance compared to that of the declaration of independence extending itself not only to the renunciation of all allegiance but even to all connection wit h this country in pref erence to any other. This measure so taken reduced the friends to the liberties of America to the single argument of resisting the war against her upon bold considerations of a ruinous expense to the nation in prosecuting a plan which in its issue must be considered as very uncertain." (Franklin MSS., Amer. Philosoph. Soc.)

But he goes on to say that he would think no office too mean, nor any endeavors above his ambition, which would tend to put a stop to our dreadful civil contentions.

On December 3, 1777, he speaks of his own sympathies with America, as the case then stood, and sends friendly messages from Chatham and Camden.

In a letter to Franklin of February 10, 1778, Thomas Walpole recites the virtual abandonment of the enterprise on the Ohio River and a final settlement of the accounts with Samuel Wharton.

In 1782 there can be no question that Walpole visited Paris with the assent of Fox, then secretary of state, though Walpole was in error in supposing that he had by this request any power given to him to negotiate.*

But Walpole, in a letter of June 18, 1782, to Shelburne, while admitting that he had no express authority from Fox to negotiate, states that he believes that after his conversation with Fox "he (Fox) would not have named another person unless some reason had been suggested to him for it; and I understand (not from Mr. Fox, but from very good authority) that your lordship thought me an improper person because I was upon bad terms with Dr. Franklin. I employed, therefore, a common friend to mention this to the doctor, who was no less surprised than myself at such a supposition."†

Walpole, as is elsewhere noticed, is spoken of by George III, on October 31, 1780, as communicating "pacific propositions," but as an "avowed enemy" of the government.‡

Of Thomas Walpole's liberality, as well as of his close relations with Chatham and Camden, the following illustration may be given: Walpole had purchased from Chatham the estate of Hayes, which Chatham, when still a commoner, had greatly adorned, and to which, in 1767, when his health broke down, he greatly desired to return. Lady Chatham, finding this morbid desire growing on her husband, wrote to Walpole, begging him to sell to them the place, so that they would once more breathe the accustomed air.

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* See Shelburne to Oswald, May 21, 1782, *infra;* Oswald to Shelburne, June 12, 1782.

† As to his interview with Franklin, see Franklin's Journal, *infra*, under date of July 1, 1782.

‡ As to Walpole's relation to Edward Bancroft, see *supra*, § 196.

Mr. Walpole, it seems, had himself expended a considerable sum in improving the place, and had become as attached to it as Lord Chatham had ever been.

"He was willing, he wrote back to Lady Chatham, to remove at once from Hayes with his family and place it at the earl's disposal during the summer months; but graceful as this concession was, it was far from satisfying the invalid. Not only did the disappointment render him irritable in the extreme, but his brother-in-law, James Grenville, describes his language, when he spoke to him on the subject, as having been even 'ferocious.' Under these circumstances Lady Chatham addressed a second and still more pathetic appeal to Mr. Walpole, who, touched by her arguments and entreaties, very generously consented to surrender his purchase. 'I can no longer,' he writes to Lord Chatham, 'resist such affecting motives for restoring it to your lordship, who I desire will consider yourself master of Hayes from this moment.' How deeply distressed he was at making the concession, his friend, Lord Camden has recorded. 'I do assure your ladyship,' the latter writes to Lady Chatham, 'I have never been more affected with any scene I have ever been witness to than what I felt on this occasion, and am most sensibly touched with Mr. Walpole's singular benevolence and good nature. The applause of the world and of his own conscience will be his reward.'" (1 Jesse's Memoirs of George III, 397.)

Walpole's character, as above exhibited, is important, as explaining not merely his own position, but that of Bancroft. Bancroft was closely allied to him, being his agent and secretary in many delicate matters concerning the relations of the colonies to the mother country. If Bancroft was under British pay it is difficult to acquit Walpole as well as Franklin of negligence the most culpable and the most incredible, when we take their opportunities of knowledge into consideration. The only tenable hypothesis is that heretofore given,* that whatever communications Bancroft made to the British Government were made with the privity of Franklin and Walpole.

Pulteney.

§ 203. In the same class with Walpole may be mentioned William Pulteney, also a member of Parliament, and a strenuous advocate of reconciliation. According to a note by the editor of the correspondence of George III with Lord North, "William Johnston, a descendant of the Johnstons of Annandale, was the elder brother of Governor Johnston. He married Frances, only child of Lieutenant-General Pulteney, brother of the Earl of Bath. The earl dying without legitimate issue in 1764, his brother's daughter Frances succeeded to his estates. Johnston, on his marriage, took the name of Pulteney." He was a friend of Franklin, and visited Franklin in Paris in 1778 as a sort of volunteer informal negotiator.†

On March 29, 1778, Pulteney, being then in Paris, addressed, under the assumed name of Williams, a note to Franklin,‡ asking him for an interview; and on this taking place he made to Franklin certain propositions looking to conciliation. On the next day Franklin, in order that

* *Supra*, § 196.

† See 2 Correspondence of George III with Lord North, 171.

‡ See *infra*, of that date.

there should be no misapprehension as to the character of this interview, sent a note to Pulteney,* in which he said that there could be no reconciliation which did not take the independence of the United States as its basis, and that if England waited to make this acknowledgment until she was at war with France, then the United States would not treat without France's concurrence.†

It being afterwards intimated by Arthur Lee that there had been injurious concessions made by Franklin in his conference with Pulteney, Franklin was able to show by the papers in the case how utterly unfounded this suspicion was.‡

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*See *infra*, under date of March 30, 1778.

†See 6 Franklin's Works, Bigelow's ed., 149.

‡Franklin to Reed, Mar. 19, 1780, *infra*.

CHAPTER XXII.

BRITISH SPIES.

Berkenhout.

§ 204. It is with some hesitation that Berkenhout is placed under the class of spies; and that there should be strong proof that he is justly so placed is an illustration of the anomaly we sometimes see of men absorbed in scientific studies, and of generally urbane and benignant temper, having in them a tendency to take in politics equivocal steps which men of the world would not, except under cover of peculiar precautions, think of taking.* According to the notice of him in Leslie Stephens' Dictionary of Biography, John Berkenhout was born in England about 1730. At one time he held the rank of captain in the Prussian army, from which he resigned in 1756 to accept a commission in the English service. Subsequently he studied medicine at Edinburgh and Leyden. He was the author of several works upon medicine, botany, and natural history, and of a Biographical History of Literature, as to which he consulted Horace Walpole. In 1778 he was sent by the British Government "with some commissioners to America. Congress would not allow them to proceed beyond New York, but Berkenhout contrived to reach Philadelphia. Here he stayed for some time without interference on the part of the authorities, but at length suspicion arising that he was tampering with some of the leading citizens he was thrown into prison. After effecting his escape

*As to Berkenhout's correspondence with Arthur Lee, see index, "Berkenhout."

In the Harvard Collection of Arthur Lee's papers are the following letters from Berkenhout to Lee:

———, 1777, as to capture of the ship *Fox* and as to paper money.

In February, 1778, in a letter without further date, he tells Lee of a pamphlet attack on Franklin, gossips in a friendly way as to English political parties, and signs himself "Amico Charissimo."

Another gossiping letter, dated in the same month, signed "A True Born Englishman" and indorsed "Berkenhout," is among the Lee papers at the University of Virginia.

A letter from him to Lee of December 25, 1778, in the Harvard Collection, contains ambiguous suggestions as to peace, and is signed "Semper eadem."

Another letter of February 28, 1779, from him to Lee, which is in the Harvard collection, is couched in terms so enigmatical that it is difficult to take in their meaning.

or release, he rejoined the commissioners at New York, came back to England, and was rewarded with a pension for his services.* In 1780 he published 'Lucubrations on Ways and Means, inscribed to Lord North,' a proposal for the imposition of certain taxes. Some of the suggestions contained in this pamphlet were adopted by Lord North, others subsequently by Pitt. His 'Essay on the Bite of a Mad Dog' appeared in 1783; 'Symptomatology' in 1784. Berkenhout's last work was 'Letters on Education to his Son at the University,' 1790. * * * Berkenhout died on April 3, 1791, at Besselsleigh, near Oxford, whither he had gone for change of air. He was a man of singularly versatile abilities. To his deep knowledge of natural history, botany, and chemistry, was joined an extensive acquaintance with classical and modern literature. He translated from the Swedish language Count Tessin's letters to Gustavus III (*Letters from an Old Man to a Young Prince*, translated from the Swedish, 1756). He was familiar with the French, German, Dutch, and Italian languages, was a good mathematician, and is said to have been skilled in music and painting. In addition to the works already mentioned, he published 'Treatise on Hysterical and Hypochondriacal Diseases, from the French of Dr. Pomme,' 1777. In 1779 he edited a revised edition of Campbell's 'Lives of the Admirals.' He also issued proposals for a History of Middlesex, including London, but he did not carry out his project." †

Of Berkenhout the following notice appears in 2 Stone's Riedesel, 41:

"On the 21st of September (1778) two more peace commissioners, Doctor Berkenhout and Mr. Temple, arrived from England. The latter is described by General Riedesel as very indolent and careless, but the former as an exceedingly active and careful man, who sought to do his duty with all diligence. Dr. Berkenhout, who acted entirely in unison with his brother commissioner, the newly sent Governor Johnson, first endeavored to make the acquaintance of influential Americans, especially with the members of the lower courts, those having the most influence with the different classes of the people. This was done by him with the object of influencing them against Congress, and thus creating a division. This person was accused of attempting to carry out his designs even in Philadelphia; a circumstance which so enraged Congress that it sent the English peace commissioner to the penitentiary."

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* Of Berkenhout's performances in Philadelphia, Richard H. Lee, in a letter dated February 11, 1778, thus writes:

"The man was a perfect stranger to me, and came to me solely on the ground of a former acquaintance with my brother. I received him civilly, and he told me he came to seek a settlement for his family, and asked my advice where he sh'd fix. I gave him the best advice I could. He appeared to me most strongly attached to the independence of America, and I did and do believe him to have been honestly so. I do not think we changed above an hundred words together, for I was too much engaged in public business. He was arrested on no other ground than a paragraph in an English newspaper. After this I never saw him. Having detained him in prison a few days they discharged and sent him back to New Yorke, having no evidence to prove anything against him." (Lee MSS., Harvard Collection.)

† Leslie Stephens' National Biography, title Berkenhout.

Berkenhout's adventures as a British emissary were not closed with this abortive mission to America. In January, 1779, when in Europe, he offered to negotiate with Arthur Lee, who reported the fact to Vergennes.* Arthur Lee subsequently informed Berkenhout that the acknowledgment of American independence was a pre-requisite to peace. According to Arthur Lee, Berkenhout had proposed to him and Franklin an interview "fourteen months since," and "has since that time been sent to America with the British commissioners," and "has been imprisoned in Philadelphia on suspicion of the object of his mission, and released for want of proof. He has again, as you see, returned to his country, and to his endeavors to seduce, by offers of emolument and titles of honor, which we call in our language, honors." Vergennes, in reply, on January 4, 1779, complains that Berkenhout's letter had not been inclosed to him, but says that "you shall answer in plain terms that 'unless he assures you of the most entire acknowledgment of your independence, and brings you propositions conformable to the fidelity with which your nation and government glory in fulfilling their obligations, that you can not consent to any interview with him or any other emissary.'" Arthur Lee, on January 7, 1777, addressed a letter to Berkenhout stating substantially these conditions.†

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* A. Lee to Vergennes, Jan. 3, 1779, *infra*.

It is interesting to observe that on Jan. 21, 1779, Berkenhout visited Hutchinson as a sort of volunteer agent for Lord North, for the purpose of inquiring what grants to the loyalists could induce them to acquiesce in the then ministerial projects of conciliation. (2 Hutchinson's Diary, 239.)

† In a letter from Franklin to Arthur Lee, of Jan. 3, 1779 (Dreer MSS.) it is said in reference to Berkenhout:

"You know the gentleman better than I do, and can therefore better judge whether a meeting with him for the proposed purpose of making peace will not be like some of the former, intended merely to give countenance at this time to Change alley reports, help the stocks, and assist government in making their new loan, or their friends in retailing their subscriptions."

The following notices of Berkenhout appear in the papers of Samuel Adams, in the Bancroft collection of manuscripts.

"A certain Dr. Berkenhout was here (at Philadelphia) at that time. He had formerly been a fellow student of Dr. Lee (A. Lee) in Edinburgh; and although he brought no letters from him, he made an advantage of the old connection, and addressed himself to Richard Henry Lee, the doctor's brother, and a member of Congress. * * * Dr. Berkenhout was put into prison by the authority of this State on suspicion, and afterwards discharged for want of evidence against him. Perhaps he suffered the more from a certain set of men for (valuing)? himself on Colonel Lee; and the colonel himself has since suffered the reproach of an angry writer and disappointed man for showing civility to a person who was once acquainted with his brother." (S. Adams to J. Winthrop, date not given, Bancroft MSS.)

Berkenhout "had imposed on me a belief that he came here (to Philadelphia) with a view to seek a convenient settlement for himself and his family in a land of liberty. I was taken with this generous sentiment. His tale was plain and probable. I knew he had been in the esteem of my brother, and to rivet the whole his pamphlet was delivered, contending with good force for the independence of our country. But however guilty the man really was, this not appearing, the magistrate of a free state

Church. § 205. Benjamin Church, whose name occasionally appears in the following pages, was, according to Sabine, equally "distinguished as a scholar, physician, poet, and politician, and among the Whigs he stood as prominent and was as active and popular as either Warren, Hancock, or Samuel Adams. He graduated at Harvard University in 1754. About 1768 he built an elegant house at Raynham, which occasioned pecuniary embarrassments, and it has been conjectured that his difficulties from this source caused his defection to the Whig cause. However this may be, he was regarded as a traitor, having been suspected of communicating intelligence to Governor Gage and of receiving a reward in money therefor. His crime was subsequently proved, Washington presiding, when he was convicted of holding a criminal correspondence with the enemy.* After his trial by a court-martial he was examined before the Provincial Congress, of which body he was a member, and though he made an ingenious and able defense was expelled. Allowed to leave the country, finally he embarked for the West Indies, and was never heard of afterwards. Sarah, his widow, died in England in 1788."†

As early as January 29, 1772, as we learn from a letter of Governor Hutchinson of that date, Church was paid for preparing anonymous papers for the government.

"The Congress ordered Church to the Massachusetts council to be let out upon bail. It was represented to them that his health was in a dangerous way, and it was thought he would not now have it in his power to do any mischief. Nobody knows what to do with him. There is no law to try him upon, and no court to try him. I am afraid he deserves more punishment than he will ever meet." (John Adams to Benj. Kent, June 22, 1776; 9 J. Adams' Works, 402.)

As to Church see further, Tarbox, Putnam, 285; Wells' Adams, i, 33, 211, 458; ii,

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should say *de non apparentibus et non existentibus, eadem est ratio.*" (R. H. Lee to S. Adams, January 10, 1780, Bancroft MSS.)

Berkenhout's arrest is noticed in the Pennsylvania Packet of September 5, 1778. In the same paper of September 15, 1778, it is said by a correspondent:

"The hardy Berkenhout boldly ventures to the seat of legislation. Under the mask of friendship he covers the most insidious designs, and endeavors by cajoling individuals to worm himself into public confidence; but as the walls of the new gaol encompass both his person and his perfidy I hope we are secure against him."

In the same paper for October 15, 1778, is an animated discussion as to the extent of Arthur Lee's intimacy with Berkenhout. The controversy is pursued in the issues of October 21 and December 29, 1778.

Among the Lee papers in the University of Virginia is a letter from Berkenhout dated May 12, 1790, in which he writes from Cambridge, England, to Arthur Lee, then in New York, as "my very old and very dear friend." In the course of this letter Berkenhout says: "I was too near being hanged by Silas Deane in the land of Quakers." "Your godson Charles (a son of Berkenhout) having finished his education at the Charter House was migrated to the county of Cambridge." He then asks for advice for the future as to this son, "who would embrace any proposal from his godfather Lee."

* This was in cipher letters intercepted by Gerry.

† 1 Sabine's Loyalists, 313.

51, 52, 250, 278, 333, 334; 1 Washington's Official Letters, 36; Appleton's Cyclop. of Biography, title "Church."

Church's statement, "from my prison in Cambridge, November 1, 1775," is in volume 49 of the Sparks Collection at Cambridge.

Digges. § 206. Thomas Digges, whose name appears occasionally in the following correspondence, was said to be a native of Maryland. However this may be, he was for some years before the war resident in London, where he became acquainted with Arthur Lee, who, on December 8, 1777, recommended him to the confidence of Congress, and on April 16, 1778, described him to Samuel Adams as "a very worthy person, and together with his brother, who is yet in London, has done service to the cause." We now know, however, that Digges was at this time, and for some time afterwards, in the employ of the British ministry.

"In regard to Mr. Digges, you may assure Dr. Franklin that he need be under no uneasiness about his connection with or attendance upon Sir Guy Carleton. He is now in London, and my knowledge of him is merely this—he had been, it seems, employed by the late administration in an indirect commission to sound Mr. Adams, which scheme appears to have had no consequences. The man was afterwards recommended to me, but having heard by accident a very indifferent account of his character, and particularly that Mr. Franklin had a bad opinion of him, I from that moment resolved to have nothing to do with him." (Shelburne to Oswald, June 20, 1782, 2 Hale's Franklin in France, 46, *n.*)*

Digges sent to Adams English information (no doubt of a decoy character inspired by the British Government) in a letter dated May 12, 1780 (see Adams to Digges, May 13, 1780); on March 11, 1782, he was introduced by Hartley to Franklin, and on March 22, 1782, he wrote to Franklin a letter, hereafter given, inviting a correspondence as to peace. On April 5, 1782, Franklin wrote to Hartley, saying:

"As to Digges, I have no confidence in him, nor in anything he says or may say of his being sent by ministers. Nor will I have any communication with him except in receiving and considering the justification of himself, which he pretends he shall be able and intends to make, for his excessive drafts on me on account of the relief I have ordered to the prisoners, and his embezzlement of the money."

The last we hear of Digges is in a letter from Jonathan Williams to Franklin dated at Dublin June 17, 1785:

"You will not be surprised when I tell you that Mr. Digges, who had so much of the prisoners' money, is in the same prison. He had been playing the rogue in this country (Ireland), but like all other cunning rogues has shown himself to be a fool, and is now paying severely for his folly and wickedness." †

In a note to the letter to Adams of April 14, 1780, given in 7 John Adams' Works, 147, we have the following:

"Mr. Digges, the writer of many letters under this and other signatures, was a Maryland gentleman, who remained in England during the war and maintained secret communications with several of the American ministers, and not improbably

* Digges' letter to Adams will be found *infra*, under date of April 14, 1780.

† 2 Hale's Franklin in France, 47, *n.*

with the British Government likewise; though apparently he was but little trusted by either side. Dr. Franklin in many of his letters inveighs bitterly against him for his embezzlement of money remitted to him for the use of American prisoners."

In the Bancroft MSS. (America, France, and England, ii, 117), is a memorandum saying, "Digges was a rogue, unworthy of trust." * On the same page is a communication (taken from the Landsdowne Papers) from Digges as to the mode of addressing the American peace commissioners.

As to George Digges' relations to Chaumont and Thornton, see Digges' letter of April 14, 1778, Paris, in the Lee Papers, Harvard Library.

It was on a letter from —— Digges, esq., of August 30, 1778, that Arthur Lee relied for his assertions as to complicity of Franklin and Bancroft in stock speculation.

By a letter from Richard H. Lee to F. L. Lee, of January 3, 1778, (University of Virginia Collection), it appears that Mr. Digges was one of the witnesses to be summoned before Congress to sustain Arthur Lee.

Further reference to Digges will be found in the index attached to his name.

Thornton.

§ 207. Of Thornton we now have the following information drawn from the correspondence between George III and Lord North:

George III to Lord North, March 3, 1778:

"The papers communicated by Mr. Thornton are very curious; those from Edwards and Forth [secret political agents] convince me that France will inevitably go to war." (Correspondence of George III with Lord North, ii, 142.)

George III to Lord North, March 6, 1778:

"The intelligence from Mr. Thornton of the discontents among the leaders in America, if authentic, will not only greatly facilitate the bringing that deluded country to some reasonable ideas, but will make France reconsider whether she ought to enter into a war when America may leave her in the lurch." (*Id.*, 143.)

In a note Mr. Donne, the editor, says this letter "refers to the cabals against Washington in 1777–'78," concerning which Arthur Lee was, from his brothers and correspondents Samuel Adams and Lovell, promptly informed.

George III to Lord North, March 9, 1778:

"I return the communications from Mr. Wentworth and Mr. Thornton; the return of Deane is a very fortunate event as it gives full time to the news transmitted in the *Andromeda* to take effect, and I should naturally conclude may bring America to a state of tranquility." (*Id.*, 145.)

George III to Lord North, March 10, 1778:

"If Mr. Thornton's communication to Lord North is certain, the present state of fluctuation will soon cease, and the old lion will be roused," etc. (*Id.*, 146.)

Thornton had been in the British army and is unquestionably the authority from whom Arthur Lee drew the decoy statements which he forwarded to America when Thornton was his secretary. Nor, when Thornton was dismissed, was Lee in better hands. Hezekiah Ford, his next secretary, was branded by the Virginia legislature as a traitor. Stephen Sayre, who was secretary to Lee at Berlin, was at the best a

* See Sparks' Franklin, ix, 15, 16, note.

reckless adventurer; and Digges, in whom he placed peculiar trust, was a permanent British spy.*

In Arthur Lee's narrative of February 10, 1779, he says:

"Before I quit this article I must observe that the stock-jobbers have been base enough to circulate reports that my brother, Mr. Izard, and myself were also employed in stock-jobbing. They found this upon my having sent my secretary, Major Thornton, to London. I will state the facts for the judgment of Congress: Finding Major Thornton, from the activity and intrepidity of his disposition and his acquaintance in the army and navy, to be a very proper person to get me intelligence of the designs and measures of the enemy, I sent him to London for that purpose with the following instructions:

'FEBRUARY 21, 1778.

'INSTRUCTIONS TO MR. THORNTON: To go with all speed to London and there learn the real and probable future force of Great Britain; the number of men raised and to be raised and where stationed; the number of ships and seamen; whether the harbor of Shields is fortified, with all other information he may think of use.'

"He accordingly brought me a very accurate account of the number and disposition of the force of Great Britain, of which I informed Congress in my letter to the committee dated April 4, 1778."†

The letter referred to as of April 4, 1778, is probably that hereafter given under date of April 5, 1778. It refers to "an accurate list of the actual and intended force of Great Britain" being forwarded, but of that list there is no record in the Department.

In a letter of Edward Bridgen to Arthur Lee, of which the original is in the Harvard collection of Lee papers, is the following:

"I can not omit by this conveyance to relate a circumstance to you as a caution. A friend of yours (whom to my knowledge I never saw), while I was at Bath, in April, called and inquired for me. The servant told him where I was gone. He left a card with his name 'Mr. J. Thornton, No. 6, Broad street, Carnaby Market.' Underneath, with a pencil, '*for an* intimate friend of Mr. B. at Paris.' At my return it was delivered me, but not knowing the gentleman I declined visiting him, especially as I have heard some things suspicious of him. I have lately learned that he went to a Mr. Wharton, in Craven street, and asked the loan of £50, as his friend Mr. B. was at Bath. The gentleman spared him £20. I hear he has been out of town ever since. I imagine he has been the bearer of some of your letters to me, by means of which he knew my address."

This letter is printed in 2 Arthur Lee's Life, 84, under date of 1777; but the editor of the Calendar of the Lee MSS. at Harvard gives it the date of July 2, 1778, adding "date nearly illegible; not signed; indorsed, 'Bridgen about Thornton.'" That the latter date approaches correctness appears from a memorandum of Samuel Wharton, as to this loan, certified on July 13, 1778, to be in Wharton's handwriting. This is in the same collection, as is also a letter from Thornton to Lee, dated London, June 24, 1778.

In a letter, of the same month, to Arthur Lee, among the Lee Papers in the University of Virginia, Arthur Lee is warned against reposing confidence in Thornton, who, the writer says, claims to have in possession papers of great value connected with the American legation, and

* See *supra*, §§ 150, 151, 192, 206; and also index, title "Thornton."

† Silas Deane in France, 161.

whose character was not at the time such as to make it certain that he would be proof against British gold.

The internal evidence of Arthur Lee's betrayal by Thornton, and of the employment of the latter by the British Government to convey false intelligence to France and America, has been already given.*

Entries in the British foreign office show that on August 7, 1782, copies of the following letters from Thornton were deposited in that office:

Florida-Blanca to Arthur Lee, May 17, 1777*; Franklin, Deane, and Arthur Lee to Vergennes, December 8, 1777*; Franklin and Deane to Congress, December 18, 1777; Franklin, Deane, and Arthur Lee to Congress, December 19, 1777;* Arthur Lee to Congress, February 10, 1778.

Of those marked (*) there are no copies in the Department of State at Washington. These were probably the papers which are spoken of in the last note as having been exhibited by him when visiting England in 1778. They may have been then handed to ministerial subalterns, and kept unfiled, till, on a change of ministry, it became desirable to put them on record. The first entry may refer to a mere acknowledgement of Arthur Lee's letter of March 17, 1777, by Florida-Blanca, and its non-retention in our records may be thus explained.

P. Wentworth.

§ 208. Paul Wentworth, though of American birth, was also a stipendiary of the British ministry. He was, according to Sabine † "of New Hampshire. A member of the council, and a benefactor of Dartmouth College. He was disposed at first, it seems, to favor the popular cause, since in 1774 he was one of the agents of America in London, to whom the Continental Congress directed a letter to be sent on the affairs of the time. He was in England in 1781, and the author of a map of Holland's survey. The next year he was in London, and joined other loyalists in a petition to the government for relief. In 1789 Dartmouth College conferred the degree of LL. D. He died suddenly on his estate at Surinam in 1793." He was, as appears by 2 Hutchinson's Diary, 129, 163, as also by George III's letters, in London from time to time during the Revolutionary war, acting as agent for Lord North.‡

Of Wentworth George III thus spoke:

"The two letters from Mr. Wentworth are certainly curious, but as *Edwards* is a stock jobber as well as a double spy, no other faith can be placed in his intelligence but that it suits his private views to make us expect the French court mean war, whilst undoubtedly there is good ground to think that event is more distant than we might suppose six months ago. Mr. Wentworth I suspect, is also a dabbler in the alley, and as such may have views; I am certain he has one; the wish of getting some employment." (George III to Lord North, September 27, 1777; 2 Correspondence, etc., 83.)

According to the editor he was subsequently in communication with Silas Deane and the French ministry.§

* *Supra*, § 150.

† 2 American Loyalists, 413.

‡ See 1 Hutchinson's Diary, 186, 218; 2 *id.* 129, 163; 2 Correspondence George III with Lord North, 77 note; *id.* 83, 87, 105, 109.

§ 2 Correspondence George III with Lord North, 77.

CHAPTER XXIII.

DEVELOPMENT OF CONSTITUTIONAL LIMITATIONS.

Growth of executive co-ordinancy.

§ 209. In the preceding pages is displayed the gradual development during the Revolution of the executive department as co-ordinate with the legislative in respect to our foreign affairs. We have seen that in Franklin, when in France, the management of those affairs, partly by vote of Congress, partly through his personal ascendency, was largely vested. We have seen how their domestic supervision was placed, at the outset, in a secret special committee; * how it was then transferred to a permanent standing committee, which, though supposed merely to express the legislative will, often spoke independently; and how finally, after a long struggle, a distinct executive department for foreign affairs was constituted. We have seen, also, with what consummate ability this department was managed, in full concert with Franklin, by Robert R. Livingston, the department growing in strength and independence until after an interval which showed its necessity it was filled by Jay, who exercised, according to the dispatches of the French minister then in this country, an authority in matters executive with which Congress did not undertake to interfere. Nor did this growth of executive co-ordinateness exhibit itself exclusively in foreign relations. It was so in finance, over which, after the incapacity of committees for financial work had been demonstrated by many disasters, Morris was granted a control which each day became more and more closely assimilated to that exercised by the executive department of the government at the present day. It was so in military affairs, in which Washington gradually assumed the position which the executive now exercises in such affairs. Thus it was that even Congress itself, which had at first been the sole organ of government, accepted, under force of circumstances, the "establishment," in response to Washington's appeal of January 29, 1781, as given below, "of executives or ministers in the departments of

* Of the way in which this committee, even when reduced to a membership of one or two, sometimes acted on its own responsibility we have an illustration in a letter from Whipple on Oct. 22, 1777, to Lovell, where the latter is spoken of as "prime minister for foreign affairs." (Langdon Papers, Sparks' MSS., Harvard College, vol. 52.) Lovell, it must be remembered, was a devoted follower of Samuel Adams, and a persistent opposer, with Adams, of a distinct executive organization.

finances, war, the marine, and foreign affairs."* The Constitution of the United States did not make this distribution of power. It would be more proper to say that this distribution of power made the Constitution of the United States.

Character of opposition, and its subsidence.

§ 210. Of the vehement and persistent opposition to this distribution of power we have had abundant proof in the preceding pages. We have seen how incessant and how earnest were the attempts to strip Washington of executive functions essential to his office as commander-in-chief, and how reforms he sought for were refused and plans he cherished thwarted, until it seemed almost as if his resignation would be forced.† We have seen how systematic and determined was the opposition to Franklin, to Livingston, and to Morris;‡ and the correspondence in the following pages will show that this opposition continued to rage with almost unabated fury until peace was finally determined. Nor was it only in public action. The papers of Samuel Adams, now in the hands of Mr. Bancroft, and those of Arthur Lee, now deposited in Cambridge, in Philadelphia, and in the University of Virginia, show that animosity to executive authority which in Congress took the shape of legislation, was a dogma which burned in the breasts of those possessed by it with a fierceness of zeal by which they were consumed.§ In more than one letter of grave im-

* Hamilton, three months later, on Apr. 30, 1781, thus wrote to Morris: "I was among the first who were convinced that an administration by single men was essential to the proper management of the affairs of this country. I am persuaded now it is the only resource we have to extricate ourselves from the distresses which threaten the subversion of our cause." (1 Hamilton's Works, by Hamilton, 223.) But true as was this position, Hamilton had been anticipated in the support of it not only by Washington, but by Franklin, by Jay, and by Jefferson.

† *Supra*, § 11.

‡ *Supra*, § 14 *ff.*

§ Washington's sense of the danger to which the country was thus exposed is expressed in the following passage in a letter to George Mason of March 29, 1779, a time when the onset on executive authority was at its height:

"I have seen, without desponding even for a moment, the hours which America has styled her gloomy ones, but I have beheld no day since the commencement of hostilities that I have thought her liberties in such imminent danger as at present. Friends and foes seem now to combine to pull down the *goodly fabric we have hitherto been raising at the expense of so much time, blood, and treasure*, and unless the bodies politic will exert themselves to bring things back to first principles, correct abuses, and punish our internal foes, inevitable ruin must follow." (1 Bancroft's Hist. of Constitution, 281.) We find here the raising "a goodly fabric," and not the mere destruction of British authority, set up as the object of the Revolution. And how earnestly his mind was occupied with the raising and completing this fabric is shown from another passage, where he dilates on the importance of obtaining the services in the federal system of men distinguished for capacity and wisdom in the States; and the way in which he presses this shows a conviction on his part that these qualities were wanting in Congress: "No man who wishes well to the liberties of his country, and *desires to see its rights established*, can avoid crying out, where are our men of abilities? Why do they not come forth to save their country? Let this voice, my dear sir, call upon you,

port we find it declared that to stop the usurpation then in progress a "Brutus" will be needed; and so serious was this feeling that William Lee, in a letter to Richard H. Lee of March 26, 1779, tells of his calling a son "Brutus, lest there should be in his time a Tarquin or a Cæsar in America." Every one who appreciates the truly heroic and sincere character of Samuel Adams, by whom the same views were held, must feel that it is impossible to attribute his course in this respect and that of his associates to mere personal dislike to those whom they so bitterly assailed. We must seek for a motive for their action in the conscientious repugnance felt by them to executive authority. For this repugnance we may find the following reasons:

(1) Their temper, as we have seen, was destructive, not constructive. With the pulling down of British authority they were exclusively concerned. They could not fight and build at the same time. They

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Jefferson, and others. Do not, from a mistaken opinion that we are about to sit down under our own vine and our own fig tree, let our hitherto noble struggle end in ignominy." (1 Bancroft's Hist. of Constitution, 282.) In a letter to Duane of Dec. 20, 1780, he says, "if Congress suppose that *boards composed of their body, and always fluctuating,* are competent to the great business of war (which requires not only close application but a constant and uniform train of thinking and acting) they will most assuredly deceive themselves. Many, many instances might be deduced in proof of this, but to a mind so observant as yours there is no need to enumerate them." (*Id.*, 283.) On Jan. 29, 1781, writing again to Duane he says: "There are some political regulations of great importance which I have exceedingly at heart, and which are *drawn near to a conclusion.* The principal measures to which I allude are *the establishment of executives or ministers in the departments of finances, war, the marine, and foreign affairs;* the accomplishment of the confederation; the procuring to Congress an augmentation of power, and permanent revenues for carrying on the war." (*Id.*, 283.)

This tendency to strip the executive department of the general Government of authority is illustrated by the action of the Lees in securing in the Virginia legislature in 1783 a repeal of the duty law. "I have been told," says Governor Harrison in a letter to Washington of March 31, 1783, "it was done by Richard H. and Arthur Lee, and that their arguments were such as you have seen from Rhode Island [which had refused to pay its quota of federal taxes]. The act was certainly brought in by them in the latter part of the session when the house was very thin, and hurried through without due consideration. They were so very quick that the mischief was done before I knew they had the subject under consideration or they probably would have missed their aim." (1 Bancroft's Hist. of Constitution, 301.)

Arthur and Richard H. Lee also were strenuous opponents of the impost law by which it was afterwards attempted to discharge Virginia's liabilities to the general Government. (See Jefferson to Madison, May 7, 1783; Richard H. Lee to Whipple, July 1, 1883, 1 Bancroft's Hist. of Constitution, 318.)

On the other hand, the sincerity of Richard H. Lee's conviction of the peril of executive co-ordinancy is shown by the following letter written by him when he thought the battle lost:

"Few, I believe, feel more sensibly than myself how much our unhappy country suffers and is likely to suffer from the want of those qualities, and such conduct is certainly indispensable to the success and well being of society. It would seem that such feelings are natural to a man *who has the misfortune to see his country likely to lose those blessings of liberty that he has so long and so strenuously labored to secure for it.*" (Richard H. Lee to Monroe, January 5, 1784; 1 Bancroft's Hist. of Constitution, 337.)

naturally became jealously attached to the organization, in itself nothing more than a league, which had come into existence simply for the purpose of overthrowing the tyrant. And this organization was none the less sacred to them from the fact that in it their eloquence, their vehemence, their directness of purpose, made them the leaders.

(2) Their political career, as we have seen, had been one exclusively of opposition to executive encroachment; and the executives with whom they thus came in collision were to them tyrants who impregnated with tyranny the system of executive authority whatever shape it assumed.

(3) The idea of executive co-ordinate with legislature, familiar and indeed necessary as it appears to us, was then new in politics, and even now is put into practice only in the United States. "Though he," says Cromwell's latest biographer,* "distrusted and disliked a parliamentary executive, he clung to a civil and legal executive. From first to last, after the closing of the Long Parliament, he struggled for five years to realize his fixed idea of a dual government—neither a dictator without a parliament, nor a parliament without a head of the executive. With dogged iteration he repeats: 'The government shall rest with a single person and a parliament, the parliament making all laws and voting all supplies, co-ordinate with the authority of the chief person, and not meddling with the executive.' This was his idea, an idea which the people of England have rejected, but which the people of America have adopted. More than a century later the founders of the United States revived and established Oliver's ideal, basing it upon popular election, a thing which, in 1654, was impossible in England."

Whatever we may think of Mr. Harrison's position that Cromwell desired to institute a distribution of power such as now exists in the United States, there is no question that he is right in maintaining that in England, through the fact that the ministry is virtually but a committee of the House of Commons, the co-ordinancy of executive and legislature does not exist. That the idea of such co-ordinancy was incomprehensible to revolutionary France is shown by the utter failure of the attempts of La Fayette and the Lameths to transplant it to France from America.† But that it was a condition called for by the public conscience and political environments of the United States, and that it is essential to the prosperity of the United States, in foreign as well as in domestic affairs, our subsequent history has shown. And it is interesting to observe that by none of our statesmen was the acknowledgment of this adaptation more promptly made than by the eminent men by whom the policy of this co-ordination was most vehemently resisted. Richard H. Lee and Patrick Henry, who continued their opposition to it until they almost succeeded in defeating the federal constitution which adopted it, became, during Washington's last term, not only supporters of Washington, but decided federalists. John Adams,

* Oliver Cromwell, by Frederic Harrison, pp. 193–194. †*Supra*, § 78.

in his notions of executive independence, went still further.* Samuel Adams did not in the line of reaction go so far; but after grave deliberation he gave his support to the federal constitution, thereby insuring its acceptance by Massachusetts; and as governor of Massachusetts he frequently took occasion to show that this co-ordinateness of executive with legislature was a doctrine practically approved by himself. It is true that with Jefferson he held that no functions were to be exercised by either executive or legislature unless such functions were expressly given to them by the Constitution; but with Jefferson he learned to hold that liberty and order alike depended on the legislature and executive remaining co-ordinate as the Constitution prescribes.

* *Supra*, § 14.

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